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## PLANNING COMMISSION MEETING AGENDA REGULAR MEETING

David Lambert, Chairman, Marianna Perakis, Vice Chairman  
Toby Buechner, Carlton Faison, Michael W. Hutson, Tom Krent,  
Lakshmi Malalahalli, Sadek Rahman and John J. Tagle

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**March 8, 2022**

**7:00 P.M.**

**Council Chambers**

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1. ROLL CALL
2. APPROVAL OF AGENDA
3. APPROVAL OF MINUTES – February 22, 2022
4. PUBLIC COMMENT – For Items Not on the Agenda

### SPECIAL USE APPROVAL

5. PRELIMINARY SITE PLAN APPROVAL (File Number SP2020-0017) – Proposed Janineh Medical Building, East side of Rochester Road, south of Square Lake Road (5600 Rochester Road; PIN 88-20-11-154-021), Section 11, Currently Zoned R-1C (One Family Residential) District and controlled by Consent Judgment.

### OTHER ITEMS

6. LANDSCAPE DESIGN IN THE TROY DOWNTOWN DEVELOPMENT AUTHORITY (DDA) DISTRICT – Planning Commission Input
7. TROY MASTER PLAN UPDATE - Planning Commission Subcommittee
8. PUBLIC COMMENTS – For Items on the Agenda
9. PLANNING COMMISSION COMMENT
10. ADJOURN

**NOTICE:** People with disabilities needing accommodations for effective participation in this meeting should contact the City Clerk by e-mail at [clerk@troymi.gov](mailto:clerk@troymi.gov) or by calling (248) 524-3317 at least two working days in advance of the meeting. An attempt will be made to make reasonable accommodations.

Chair Lambert called the Regular meeting of the Troy City Planning Commission to order at 7:00 p.m. on February 22, 2022, in the Council Chamber of the Troy City Hall. Chair Lambert presented opening remarks relative to the role of the Planning Commission and procedure of tonight’s meeting.

1. ROLL CALL

Present:

- Carlton M. Faison
- Michael W. Hutson
- Tom Krent
- David Lambert
- Lakshmi Malalahalli
- Sadek Rahman
- John J. Tagle

Absent:

- Marianna Perakis

Also Present:

- R. Brent Savidant, Community Development Director
- Ben Carlisle, Carlisle Wortman Associates
- Julie Quinlan Dufrane, Assistant City Attorney
- Kathy L. Czarnecki, Recording Secretary

2. APPROVAL OF AGENDA

**Resolution # PC-2022-02-011**

- Moved by: Krent
- Support by: Faison

**RESOLVED**, To approve the Agenda as prepared.

- Yes: All present (7)
- Absent: Perakis

**MOTION CARRIED**

3. APPROVAL OF MINUTES – February 8, 2022

**Resolution # PC-2022-02-012**

- Moved by: Rahman
- Support by: Malalahalli

**RESOLVED**, To approve the minutes of the February 8, 2022 Regular meeting as submitted.

Yes: All present (7)  
 Absent: Perakis

**MOTION CARRIED**

4. PUBLIC COMMENT – For Items Not on the Agenda

There was no one present who wished to speak.

**SPECIAL USE AND SITE PLAN APPROVAL**

5. PUBLIC HEARING - SPECIAL USE AND PRELIMINARY SITE PLAN APPROVAL (File Number SP JPLN2021-0027) – Proposed 780 West Maple (North) Industrial Building, East side of Barrett, North of Maple (PIN 88-20-28-304-029), Section 28, Currently Zoned MR (Maple Road) District

Mr. Carlisle gave a review on the Special Use and Preliminary Site Plan application for 780 West Maple (North) Industrial Building. He said the proposed use is for a one-story light industrial and office building with four tenant suites. Mr. Carlisle noted the office use would be in the front and the light industrial use would be in the rear of the building. Mr. Carlisle said a light industrial use requires a Special Use Approval and Public Hearing.

Mr. Carlisle addressed parking and the loading space. He reported the applicant is deficient one (1) parking space and two (2) bicycle spaces. Mr. Carlisle asked the applicant to address the maneuverability of delivery trucks in the loading space located in the rear, noting the space is tight and trucks would block access to the rear doors.

Mr. Carlisle addressed access and circulation. He said the access to the site would be off Barrett Drive and a cross access to the property to the south. Mr. Carlisle stated the owner of the site under consideration this evening is also the owner of the property to the south and a cross access easement would be part of the Final Site Plan approval. Mr. Carlisle asked the applicant to confirm the southern site meets parking requirements after the removal of three (3) parking spaces to accommodate the cross access.

Mr. Carlisle addressed the street tree landscaping requirement. He reported the applicant is not able to plant the required six (6) street trees along Barrett Drive due to overhead wires. The applicant is requesting consideration by the Planning Commission to plant the street trees along the northern property line.

Mr. Carlisle said the application complies with the transparency requirement on the front and side elevations but not on the rear elevation. He asked the applicant to address the required transparency along the rear elevation.

Mr. Carlisle stated the application meets the Special Use Standards per Section 9.03 of the Zoning Ordinance. He asked the Planning Commission to consider the location of the proposed loading space, one (1) parking space deviation, alternative location of the street trees and obtain confirmation from the applicant that the remaining parking spaces on the south building site meet parking requirements.

Mr. Carlisle expressed overall support of the application and recommended approval of the Special Use and Preliminary Site Plan with conditions as identified in the Planning Consultant report dated February 15, 2022.

Present were Ben Tiseo of Tiseo Architects Inc, Civil Engineer James Butler of Professional Engineers Associates, and a representative for property owner Kevin Denha of Big Tom Properties LLC.

Mr. Tiseo addressed the methodology he used to compute the number of parking spaces in relation to the building tenancy. He prepared and distributed a calculation sheet to each member. Mr. Tiseo assured the Board that parking for the building to the south is sufficient and noted an excess of 15 spaces. He said a cross access easement agreement and a shared parking agreement will be provided by the applicant.

Mr. Savidant advised the applicant and the Board there would be no parking concerns with a shared parking agreement.

Mr. Tiseo said transparency calculations were provided to the Planning Department prior to this evening's meeting but they were not included in the agenda packet. He said to meet the transparency requirement for the rear elevation, the applicant would remove two panels (2 feet high) from the overhead doors and replace the panels with glass.

There was discussion on:

- CMU (concrete masonry unit) building material.
- Loading space maneuverability for deliveries; use of panel trucks, not semi-trucks, for small deliveries to tenants.
- Cross access easement and shared parking agreement.
- Building setback requirement in MR (Maple Road) zoning district.
- Market for smaller industrial/office uses.
- Potential tenants; small user such as a contractor with office/shop/storage space.

#### PUBLIC HEARING OPENED

There was no one present who wished to speak.

#### PUBLIC HEARING CLOSED

**Resolution # PC-2022-02-013**

Moved by: Rahman

Support by: Tagle

**RESOLVED**, The Planning Commission hereby approves a reduction in the total number of required parking spaces for the proposed 780 West Maple (North) Industrial Building to 19 when a total of 20 spaces are required on the site based on the off-street parking space requirements for industrial and office. This one (1) space reduction is sufficient to meet parking demands based on shared ownership with the property to the south; and,

**RESOLVED**, That Special Use Approval and Preliminary Site Plan Approval for the proposed 780 West Maple (North) Industrial Building, East side of Barrett, north of Maple, Section 28, Currently Zoned MR (Maple Road) District, be granted, subject to the following conditions:

1. Provide bicycle rack for two bicycles.
2. Provide cross access easement.
3. Provide shared parking agreement.
4. Provide transparency along rear elevation by replacing two panels of each overhead door with transparent glass.
5. Requirement of six (6) street trees to be alternatively located along the northern property line.

Yes: All present (7)

Absent: Perakis

**MOTION CARRIED**

**OTHER ITEMS**

6. **PUBLIC COMMENT** – For Items on the Agenda

There was no one present who wished to speak.

7. **PLANNING COMMISSION COMMENT**

Mr. Savidant announced that City Council granted approval of Adler Cove, the one-family residential cluster development located on the south side of Long Lake, east of John R, at their February 14, 2022 meeting.

Mr. Savidant and Mr. Carlisle announced a bus tour will be conducted for City Council’s engagement in the Neighborhood Node Walks and Talks. To be determined are which three neighborhood nodes to be toured and confirmation on a March 12 date.

Ms. Dufrane stated the bus tour will meet all requirements of the Open Meeting Act.

The next steps for Master Plan update:

- Create a Planning Commission sub-committee to discuss Neighborhood Node districts.
- Schedule a Joint Meeting with City Council and Planning Commission.
- Establish a timetable for completion.

8. ADJOURN

The Regular meeting of the Planning Commission adjourned at 7:40 p.m.

Respectfully submitted,

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David Lambert, Chair

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Kathy L. Czarnecki, Recording Secretary

[https://d.docs.live.net/2f7ed4fe5f664ea8/Documents/Kathy/COT Planning Commission Minutes/2022/2022 02 22 Draft.doc](https://d.docs.live.net/2f7ed4fe5f664ea8/Documents/Kathy/COT%20Planning%20Commission%20Minutes/2022/2022%2002%2022%20Draft.doc)

DATE: March 3, 2022

TO: Planning Commission

FROM: R. Brent Savidant, Community Development Director

SUBJECT: PRELIMINARY SITE PLAN APPROVAL (File Number SP2020-0017) – Proposed Janineh Medical Building, East side of Rochester Road, south of Square Lake Road (5600 Rochester Road; PIN 88-20-11-154-021), Section 11, Currently Zoned R-1C (One Family Residential) District and controlled by Consent Judgment.

The petitioner Mocerri Companies submitted the above referenced Preliminary Site Plan application for a 7,616 square foot medical office building on a 1.488-acre site. The property is controlled by a Consent Judgment which must be amended and approved by City Council. Therefore, the Planning Commission is a recommending body for this Preliminary Site Plan application.

The project was considered by the Planning Commission on January 26, 2021 but was postponed. The petitioner revised the plans and recently resubmitted them for review.

The attached report prepared by Carlisle/Wortman Associates, Inc. (CWA), the City's Planning Consultant, summarizes the project. CWA prepared the report with input from various City departments including Planning, Engineering, Public Works and Fire. City Management supports the findings of fact contained in the report and the recommendations included therein.

Attachments:

1. Maps
2. Planning Commission minutes from January 26, 2021 Regular meeting (excerpt)
3. Report prepared by Carlisle/Wortman Associates, Inc.
4. Preliminary site plan application
5. Consent Judgment (Case no. 88-360890 CZ)
6. First Amended and Restated Consent Judgment.

G:\SITE PLANS\SP JPLN2020-0017 JANINEH MEDICAL OFFICE\PC Memo 2022 03 08.docx

**PROPOSED RESOLUTION**

PRELIMINARY SITE PLAN APPROVAL (File Number SP2020-0017) – Proposed Janineh Medical Building, East side of Rochester Road, south of Square Lake Road (5600 Rochester Road; PIN 88-20-11-154-021), Section 11, Currently Zoned R-1C (One Family Residential) District and controlled by Consent Judgment.

**Resolution # PC-2022-03-**

Moved by:

Seconded by:

**RESOLVED**, The Planning Commission recommends that Preliminary Site Plan Approval, pursuant to Article 8 of the Zoning Ordinance, as requested for the proposed Janineh Medical Building, located on the east side of Rochester (5600 Rochester Road), Section 11, Currently Zoned R-1C (One Family Residential) District and controlled by Consent Judgment, be granted, subject to applicant the following:

1. Reduce the height of poles adjacent to property line to 10 feet.

\_\_\_\_\_ ) or

(denied, for the following reasons: \_\_\_\_\_) or

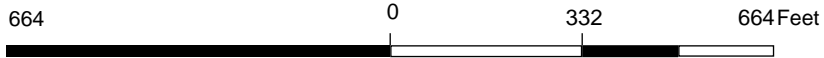
(postponed, for the following reasons: \_\_\_\_\_)

Yes:

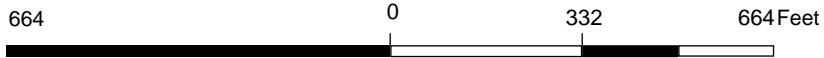
No:

**MOTION CARRIED/FAILED**





Note: The information provided by this application has been compiled from recorded deeds, plats, tax maps, surveys, and other public records and data. It is not a legally recorded map survey. Users of this data are hereby notified that the source information represented should be consulted for verification.



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## **PRELIMINARY SITE PLAN REVIEW**

6. **PRELIMINARY SITE PLAN APPROVAL (File Number SP2020-0017)** – Proposed Janineh Medical Building, East side of Rochester, South of Square Lake (5600 Rochester; PIN 88-20-11-154-021), Section 11, Currently Zoned R-1C (One Family Residential) District and controlled by Consent Judgment

Mr. Carlisle presented a PowerPoint explanation of a Consent Judgment, noting approval of the application before the Planning Commission this evening would be contingent upon the City Council agreeing to amend a Consent Judgment approved June 23, 1992.

Mr. Carlisle reviewed the Preliminary Site Plan application for Janineh Medical Building. He addressed minor concerns with the site plan, most notably relating to parking, screening from adjacent residential property and review comments from the Fire and Engineering departments. Mr. Carlisle said that should the Planning Commission recommend an amendment to the Consent Judgment, he encourages to postpone action on the application to allow the applicant to address the site plan concerns as identified in his report dated January 18, 2021.

The applicant Inad Janineh was present. Dr. Janineh said he would be the sole practitioner working approximately twice a week with post-operative patients. Dr. Janineh addressed care and privacy of his clientele, use of exam and massage rooms, staffing of five employees, deliveries of medical supplies and parking. He assured the Board that 39 parking spaces would be more than sufficient for his practice. Dr. Janineh said building material would consist of brick and stone.

There was discussion on:

- Amendment of Consent Judgment; procedure, legal requirements.
- Parking; overall parking, number of ADA spaces.
- Lighting; screening to ensure no light spillage onto residential properties.
- Fire and Engineering departments review comments.
- Elevation; building materials, building entrances.
- Location and screening of generator and transformer.
- Waiver for loading space requirement.
- Screening from adjacent residential property; fence, landscaping, wall.
- Deceleration lane off Rochester Road.

Mr. Carlisle said that, after hearing the applicant address his medical practice, he does not have a concern with providing additional overall parking but encourages additional ADA parking spaces.

**Resolution # PC-2021-01-008**

Moved by: Lambert

Support by: Perakis

**RESOLVED**, The Planning Commission recommends that Preliminary Site Plan Approval, pursuant to Article 8 of the Zoning Ordinance, as requested for the proposed Janineh Medical Building, located on the east side of Rochester (5600 Rochester Road), Section 11, Currently Zoned R-1C (One Family Residential) District and controlled by Consent Judgment, be postponed, for the following reasons:

1. To address site plan details raised by members of the Planning Commission and by the Planning Consultant;
2. To address outstanding legal issues raised by the Assistant City Attorney; and
3. To present a plan for the barrier between the site and the adjoining residential to include landscaping and a fence.

**Discussion on the motion on the floor.**

The type of barrier to screen residential property was discussed in terms of material, architecture, landscaping, location and residential perspective. The Board asked the applicant to be specific on resubmission of the site plan.

**Vote on the motion on the floor.**

Yes: All present (9)

**MOTION CARRIED**



**Carlisle | Wortman**  
ASSOCIATES, INC.

117 NORTH FIRST STREET SUITE 70 ANN ARBOR, MI 48104 734.662.2200 734.662.1935 FAX

Date: January 18, 2021  
February 25, 2022

## **Amendment to Consent Judgement and Preliminary Site Plan Review For Troy, Michigan**

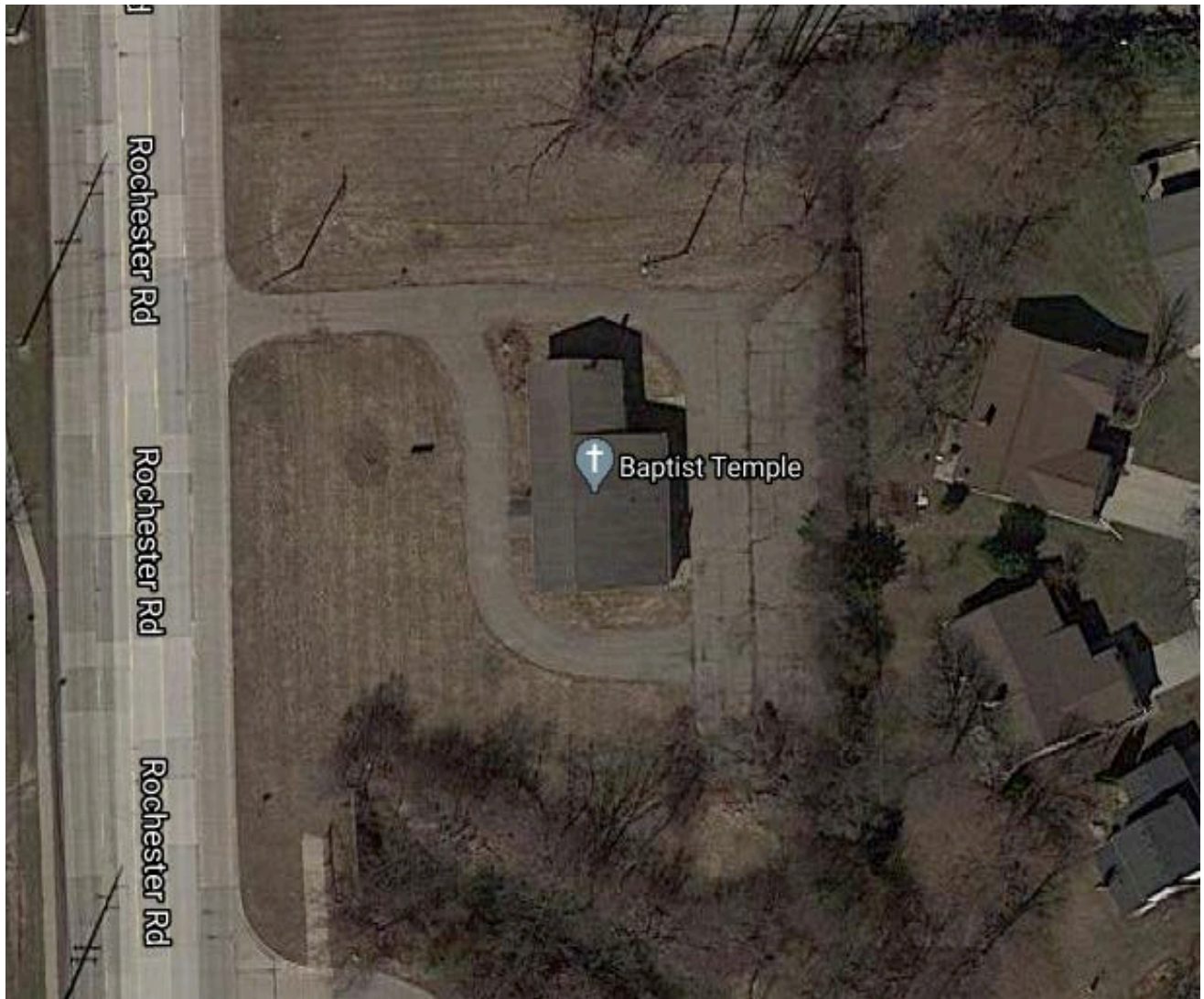
<b>Applicant:</b>	<b>Dominick Tringali</b>
<b>Project Name:</b>	<b>Janineh Medical Building</b>
<b>Plan Date:</b>	<b>February 17, 2022</b>
<b>Location:</b>	<b>5600 Rochester Road</b>
<b>Parcel ID:</b>	<b>80-20-11-154-021</b>
<b>Zoning:</b>	<b>R1-C</b>
<b>Action Requested:</b>	<b>Amendment to Consent Judgement, Preliminary Site Plan Review, Special Use Approval</b>

### **PROJECT AND SITE DESCRIPTION**

The applicant is requesting preliminary site plan to construct a 7,616 square-foot medical office building. The medical office building will include three (3) offices, six (6) exam rooms, four (4) bathrooms, a laser room, vestibule and reception area, waiting areas, a sales room, operation room, fitness room, and two (2) massage rooms. The site is located at 5600 Rochester Road, north of Long Lake Road. The 1.488-acre site is zoned R1-C, One-Family Residential District where medical offices are not permitted. However, this parcel in the R1-C District is controlled by consent judgement that was approved on June 23, 1992.

The subject site is currently home to a 3,223 square-foot, one (1) story brick building. The applicant will demolish the building to construct the medical office building in its place.

**Figure 1. Location of the Subject Site**



**Table 1. Zoning of Adjacent Properties**

	<b>Zoning</b>	<b>Uses</b>
<b>North</b>	R-1 C, One-Family Residential	Institutional (Church)
<b>South</b>	R-1 C, One-Family Residential	Institutional (Daycare)
<b>East</b>	R-1 C, One-Family Residential	Single Family Residential
<b>West</b>	CF, Community Facilities	Golf Course, Park

**Items to be Addressed:** None.

## CONSENT JUDGEMENT

The 1992 Consent Judgment applied to two parcels, 5600 Rochester (parcel a) and the parcel directly south (parcel b). The conditions of the consent for 5600 Rochester Road (parcel a) included:

1. *The special use permitted is by Recording for the Blind, a nonprofit, charitable organization. Any building on Parcel "A" may be used for the recording of educational materials by "volunteers and general office space for Recording for the Blind. No sales of goods or services or subleasing of space shall be permitted.*
2. *The special use approved for Recording for the Blind is for educational purposes, and the schedule of regulations attached as Exhibit B now applicable to schools, being Section 10.30.02 of Article X of the Troy Zoning Ordinance (Chapter 39), shall apply and control the use, development, and occupancy of the property depicted as Parcel "A". The requirement for a minimum site area of five acres is waived.*
3. *Upon cessation of the special use approved for Recording for the Blind, Parcel "A" shall be developed, used and occupied for the purposes set forth in Article X (R-1c, one-family residential) of the Troy Zoning Ordinance (Chapter 39), a copy of which is attached as Exhibit C.*

Ultimately the City Council is the approving body to amend the Consent. However, the Planning Commission is asked to consider the proposed amendment and make a recommendation upon amending the Consent. The proposed amendment to the Consent includes changing of use from non-profit office to medical office, and continuation of the use of the site after the closure of the use as a non-profit office.

Please note we have completed a detailed site plan review. Any approval of the preliminary site plan would be contingent upon the City Council agreeing to amend the Consent Judgement.

The second parcel subject to the consent judgement was permitted to build a childcare center. The center exists to the day. The parcel to the south does not seek any amendment to the agreed upon Consent.

**Items to be Addressed:** *Planning Commission to consider amending the Consent Judgement.*

## PREVIOUS PLANNING COMMISSION REVIEW

The Planning Commission reviewed this project at their January 26, 2021 meeting. In our previous review we noted a number of minor issues specifically with landscaping and lighting.

At that January 26, 2021 meeting, the Planning Commission discussed:

- Amendment of Consent Judgment; procedure, legal requirements.
- Parking; overall parking, number of ADA spaces.
- Lighting; screening to ensure no light spillage onto residential properties.

- Fire and Engineering departments review comments.
- Elevation; building materials, building entrances.
- Location and screening of generator and transformer.
- Waiver for loading space requirement.
- Screening from adjacent residential property; fence, landscaping, wall.
- Deceleration lane off Rochester Road.

After discussion, the Planning Commission postponed action for the following reasons:

1. To address site plan details raised by members of the Planning Commission and by the Planning Consultant;
2. To address outstanding legal issues raised by the Assistant City Attorney; and
3. To present a plan for the barrier between the site and the adjoining residential to include landscaping and a fence.

#### CHANGES SINCE LAST REVIEW

The applicant has made the following changes to the site plan:

- Converted 6 regular parking spaces to ADA spaces, as requested by the Planning Commission
- Added bicycle rack
- Moved the transformer away from adjacent properties
- Added dumpster screening
- Added required additional landscape

#### AREA, WIDTH, HEIGHT, SETBACKS

	R-1 C	Provided	Compliance
<b>Max. Building Height</b>			
Stories	2 ½	1	Compliant
Feet	30 Feet	24 feet	Complaint
<b>Minimum Setbacks</b>			
Front	30 Feet	32.5 feet to canopy, 55.5 feet to building	Complaint
Side	10 Feet, 20 Feet combined	108.29 feet Combined	Complaint
Rear	40 Feet	59.91 feet	Complaint
Max. Lot Coverage	30%	11.7%	Complaint

**Items to be Addressed: None**



## NATURAL RESOURCES

**Topography:** Subject site’s elevation increases by a foot to the east of Rochester Road.

**Wetlands:** The Gibson-Renshaw Drain is located on the parcel to the south of the proposed medical office.

**Woodlands:** The site has woodlands around the Gibson-Renshaw Drain to the south. There are woodlands to the east along the single-family residential property lines. Applicant provides a Tree Preservation Plan on Sheet L1. None of the trees are protected and require mitigation because either they are invasive species, in poor condition, or not large enough to qualify.

**Items to be Addressed:** None

## BUILDING LOCATION AND SITE ARRANGEMENT

The subject site is currently home to a 3,223 square-foot, one (1) story brick building. The applicant will demolish the building to construct the medical office building in its place. The building will be centered in the site, with full automobile access around the building. There is a porta-co-share and patient drop-off in front of the building. Parking will be on the north and east side of the building. One point of access will be off Rochester Road.

**Items to be Addressed:** None

## PARKING

Section 13.06.G of the Zoning Ordinance requires:

	Required	Provided
Medical clinics is two (2) spaces per exam or outpatient procedure / operating room, plus one (1) space per laboratory or recovery room, plus one (1) space per employee.	Ten (10) exam/procedure rooms, eight (8) labs/other rooms, as well as having a maximum total of ten (10) employees.  = 38 spaces	38 spaces
Barrier Free	2	2
Bicycle Parking	2	2
Loading	1	0
<b>Total</b>	<b>38</b>	<b>38</b>

**Items to be Addressed:** None

**SITE ACCESS AND CIRCULATION**

The applicant is proposing to remove the existing access to the site on the northwest to create a new 25-foot-wide access to the southwest. The plan shows one (1) driveway access point from Rochester Road. There is a two (2) way asphalt drive proposed around the medical office building.

**Items to be Addressed: None**

**SAFETY PATHS**

The applicant proposes a five (5) foot-wide concrete safety path around the building where a parking space is present. There is a proposed concrete walk along Rochester Road.

**Items to be Addressed: None**

**LANDSCAPING**

The application includes a landscape plan and calculations.

	<u>Required:</u>	<u>Provided:</u>	<u>Compliance:</u>
<u>Street Trees:</u> The Ordinance requires that the greenbelt shall be landscaped with a minimum of one (1) deciduous tree for every thirty (30) lineal feet, or fraction thereof, of frontage abutting a public road right-of-way.	Rochester = 268 feet = 9 trees	9 trees	Complaint
<u>Site landscaping:</u> A minimum of twenty percent (15%) of the site area shall be comprised of hardscape and landscape material.	20%	34% landscaping.	Compliant
<u>Parking Lot Landscaping:</u> 1 tree for every 8 parking spaces. Trees may be located adjacent to parking lot with planning commission approval.	39 surface spaces = 5 trees	5 trees	Compliant
<u>Screening between land uses:</u> Large evergreen every 10 feet or small ever 3 feet.	Unknown	33 6-foot-tall cedar	Compliant

**Items to be Addressed: None**

## LIGHTING

The applicant has provided a lighting (photometric) plan and lighting fixture details. The applicant is proposing nine (9) pole lights, two (2) building sconces, and two (2) under canopy lights. There are two (2) twenty-foot tall poles that are at the rear of the site adjacent to the single-family residential homes. It will take time for the screening vegetation to reach a mature height to screen those poles. Applicant should reduce the height of those lights to 10 feet.

**Items to be Addressed:** *Reduce the height of poles along eastern property line to 10 feet.*

## FLOOR PLAN AND ELEVATIONS

Floor plans and elevations have been provided on Sheets 1 through 6. A roof plan is included on Sheet 2 of 6. Cross sections of the proposed building is provided on Sheet 6 of 6. Materials appear to be brick and stone but not clearly indicated on elevations. In addition, the applicant didn't provide a 3-D model to view the site in context especially adjacent to the adjacent residential properties.

As set forth in Section 8.06.B. Development shall incorporate the following recognized best architectural building design practices:

- 1) Foster a lasting impact on the community through the provision of high-quality design, construction, and detailing.
- 2) Provide high quality, durable materials, such as but not limited to stone, brick, glass, and metal. E.I.F.S. or material equivalent shall only be used as an accent material.
- 3) Develop buildings with creativity that includes balanced compositions and forms.
- 4) Design roofs that are appropriate to the architectural style of the building and create an appropriate visual exterior mass of the building given the context of the site.
- 5) For commercial buildings, incorporate clearly defined, highly visible customer entrances using features such as canopies, porticos, arcades, arches, wing walls, ground plane elements, and/or landscape planters.
- 6) Include community amenities that add value to the development such as patio/ seating areas, water features, artwork or sculpture, clock towers, pedestrian plazas with park benches or other features located in areas accessible to the public.

Applicant has not provided a design narrative outlining how they incorporate "best architectural building design practices."

**Items to be Addressed:** *1). Indicate materials; 2). Provide design narrative; and 3). Provide 3-D model.*

## RECOMMENDATIONS

Planning Commission is asked to consider the proposed amendment to the Consent Judgement to change the use from non-profit office to medical office, and to allow for the continuation of the use for a non-residential use after the closure of the use as a non-profit office.

As part of the Planning Commission's deliberation, they should discuss the buildings architectural and materials. If the Planning Commission recommends the proposed amendment to the Consent Judgement, we are recommending that the Planning Commission recommend the following conditions:

1. Reduce the height of poles adjacent to eastern property line to 10 feet

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**CARLISLE/WORTMAN ASSOC., INC.**

**Benjamin R. Carlisle, AICP, LEED AP**

**Principal**

**OWNER / DEVELOPER**

INAD JANINEH  
732 South Rochester Rd.  
Oakland Twp., MI 48363  
Tel. (810) 627-9606

**ARCHITECT / BUILDER**

MOCERI COMPANIES  
3005 University Drive  
Auburn Hills, MI 48326  
Tel. (248) 340-9400

CONTACT: DOMINIC MOCERI  
Email: dmoceci@moceri.com

**CIVIL ENGINEER**

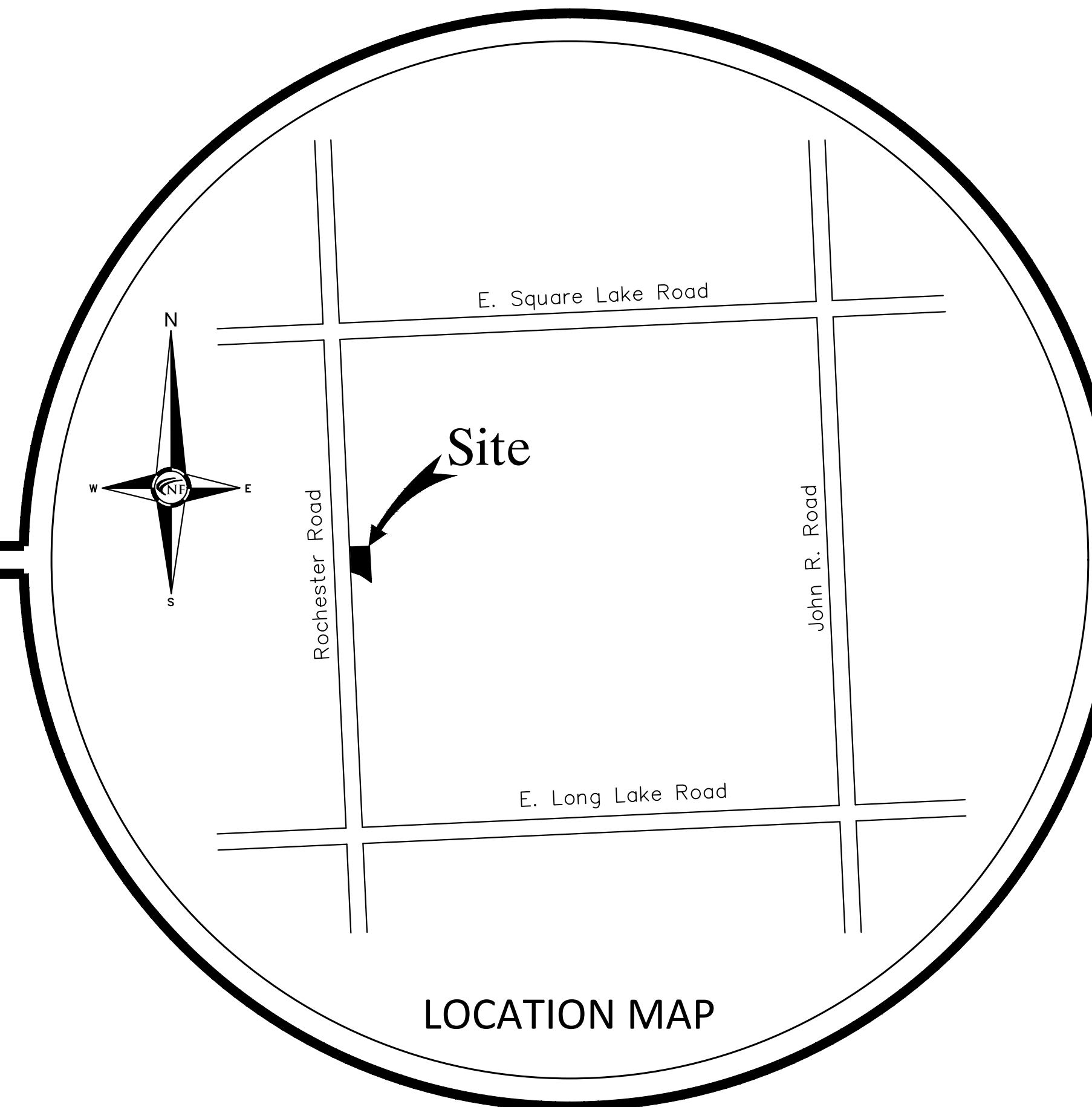
NOWAK & FRAUS ENGINEERS  
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CONTACT: BRETT BUCHHOLZ, PE

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City of Troy,  
Oakland County, Michigan  
**SITE PLAN DOCUMENTS**  
Prepared For  
Inad Janineh

PART OF THE NW 1/4 OF SECTION 11,  
CITY OF TROY,  
OAKLAND COUNTY, MICHIGAN



LOCATION MAP

**LEGAL DESCRIPTION - PER TAX DESCRIPTION**

A PARCEL OF LAND LOCATED IN AND BEING PART OF THE NORTHWEST 1/4 OF SECTION 11, TOWN 2 NORTH, RANGE 11 EAST, CITY OF TROY, OAKLAND COUNTY, MICHIGAN AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT A POINT 420.82 FEET NORTH 01 DEGREES 25 MINUTES WEST FROM THE WEST CORNER OF SECTION 11; THENCE EXTENDING NORTH 01 DEGREES 25 MINUTES WEST, 239.00 FEET ALONG THE WEST LINE OF SECTION 11, ALSO BEING THE CENTERLINE OF ROCHESTER ROAD; THENCE NORTH 89 DEGREES, 10 MINUTES EAST, 278.00 FEET; THENCE SOUTH 01 DEGREES, 25 MINUTES EAST, 390.00 FEET; THENCE ALONG THE CENTERLINE OF THE RENSHAW (GIBSON) DRAIN NORTH 52 DEGREES 25 MINUTES WEST, 77.00 FEET, NORTH 56 DEGREES 02 MINUTES 54 SECONDS WEST, 63.46 FEET AND NORTH 69 DEGREES, 00 MINUTES WEST, 180 FEET TO THE POINT OF BEGINNING.

ADDRESS: 5600 ROCHESTER ROAD, TROY, MICHIGAN 48085  
PARCEL ID: 20-11-154-021

**SHEET INDEX**

- C0 Cover Sheet
- T1 Boundary / Topographic / Tree Survey
- C1 Overall Site & Dimension Plan
- C2 Demolition Plan
- C3 Paving & Grading Plan

- L1 Tree Preservation Plan
- L2 Landscape Plan
- 1 of 1 Photometric Plan

Architectural Plans By Moceri (5 sheets total, 1/11/2022):

- 1 Foundation Plan
- 2 Floor Plan
- 3 Front & North Elevations
- 4 Rear & South Elevations
- 5 Sections

ISSUANCE/REVISIONS:  
10-15-20 PRELIMINARY SITE PLAN  
02-17-22 REVISED PER CITY

Project Name

**JANINEH MEDICAL BUILDING**  
**5600 ROCHESTER ROAD**

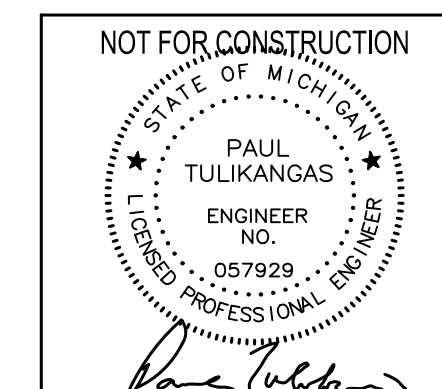


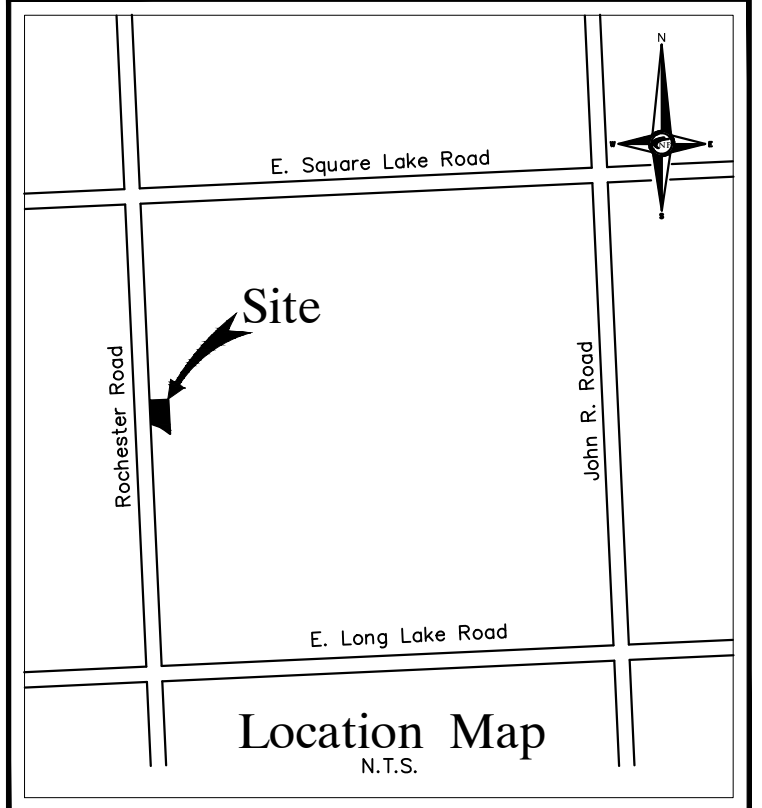
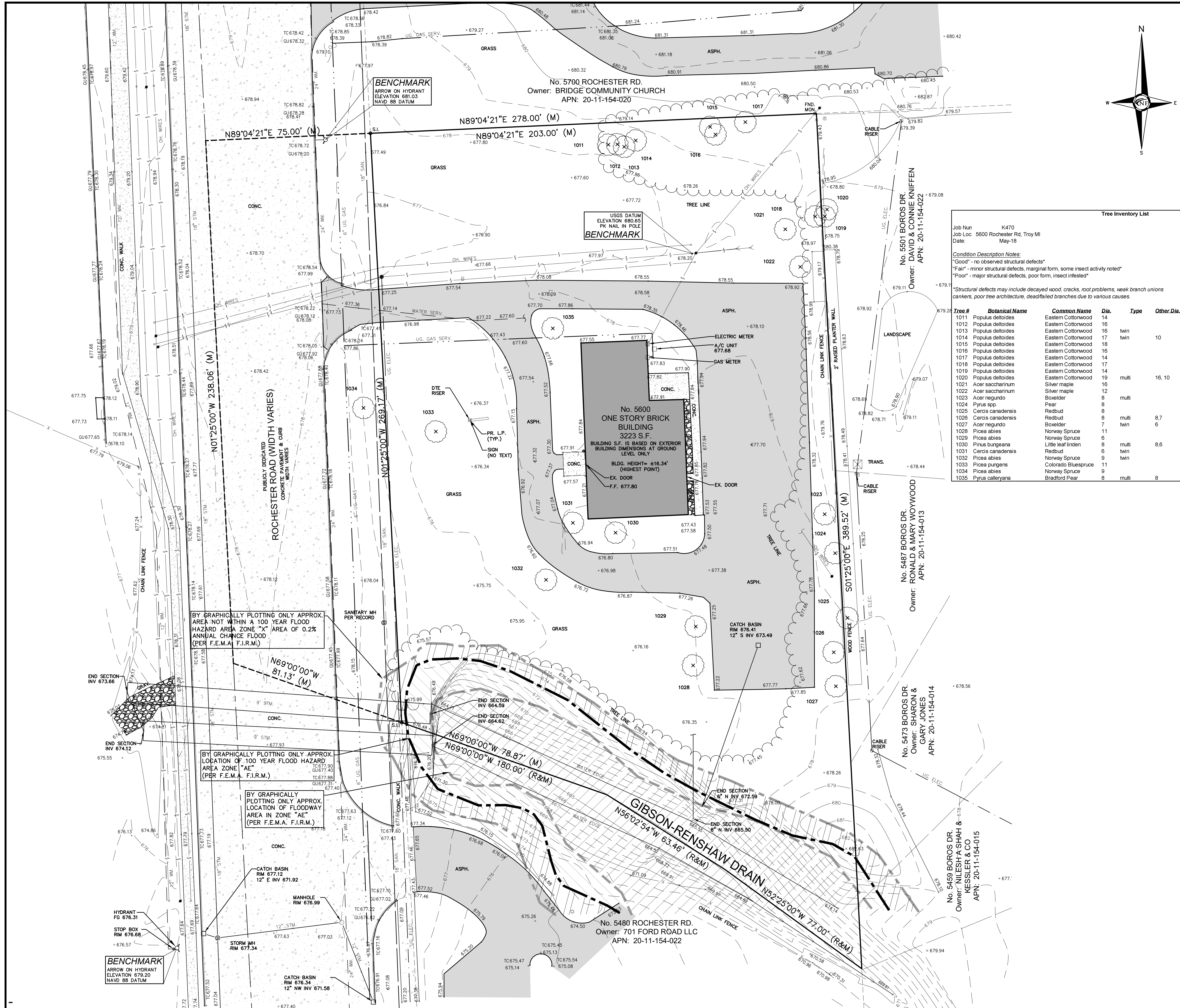
CIVIL ENGINEERS  
LAND SURVEYORS  
LAND PLANNERS

NOWAK & FRAUS ENGINEERS  
46777 WOODWARD AVE.  
PONTIAC, MI 48342-5032  
TEL. (248) 332-7931  
FAX. (248) 332-8257



N & F JOB #K470-01





**Tree Inventory List**

Job Num: K470  
 Job Loc: 5600 Rochester Rd, Troy MI  
 Date: May-18

**Condition Description Notes:**  
 \* "Good" - no observed structural defects\*  
 \* "Fair" - minor structural defects, marginal form, some insect activity noted\*  
 \* "Poor" - major structural defects, poor form, insect infested\*

\*Structural defects may include decayed wood, cracks, root problems, weak branch unions, cankers, poor tree architecture, dead/failed branches due to various causes.

Tree #	Botanical Name	Common Name	Dia.	Type	Other Dia.	Condition	Comments
1011	Populus deltoides	Eastern Cottonwood	14			Fair	competition
1012	Populus deltoides	Eastern Cottonwood	16			Fair	competition
1013	Populus deltoides	Eastern Cottonwood	17	twin		10 Good	competition
1014	Populus deltoides	Eastern Cottonwood	16		10	Good	
1015	Populus deltoides	Eastern Cottonwood	18			Good	
1016	Populus deltoides	Eastern Cottonwood	16			Fair	rot
1017	Populus deltoides	Eastern Cottonwood	14			Fair	competition
1018	Populus deltoides	Eastern Cottonwood	17			Fair	competition
1019	Populus deltoides	Eastern Cottonwood	14			Fair	competition
1020	Populus deltoides	Eastern Cottonwood	19	multi	16, 10	Fair	competition
1021	Acer saccharinum	Silver maple	19			Fair	vines, dieback
1022	Acer saccharinum	Silver maple	12			Fair	dieback
1023	Acer negundo	Bowelder	8	multi		Good	
1024	Pyrus spp.	Pear	8			Poor	lean, vines, dieback
1025	Cercis canadensis	Redbud	8			Poor	rot, split, dieback, insect, lean
1026	Cercis canadensis	Redbud	8	multi	8, 7	Poor	hollow, rot, vines
1027	Acer negundo	Bowelder	7	twin	6	Fair	lean, dieback
1028	Picea abies	Norway Spruce	11			Fair	insect
1029	Picea abies	Norway Spruce	6			Fair	lean, dieback
1030	Pinus bungeana	Little leaf linden	8	multi	8, 6	Fair	mechanical damage, rot
1031	Cercis canadensis	Redbud	6	twin		Poor	hollow, rot
1032	Picea abies	Norway Spruce	9	twin		Poor	insect, fungus, dieback
1033	Picea pungens	Colorado Blue Spruce	11			Good	
1034	Picea abies	Norway Spruce	9			Good	
1035	Pyrus calleryana	Bradford Pear	8	multi	8	Good	

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ADDRESS: 5600 ROCHESTER ROAD, TROY, MICHIGAN 48065  
 PARCEL ID: 20-11-154-021

**FLOOD HAZARD NOTE**

THIS PROPERTY IS NOT LOCATED WITHIN THE FLOOD HAZARD AREA INDICATED BY FLOOD INSURANCE RATE MAP (FIRM) NO. 28125C0532F EFFECTIVE DATE: SEPTEMBER 29, 2006 (ZONE X)

**MISS DIG / UTILITY DISCLAIMER NOTE**

A MISS DIG TICKET NUMBER #A081510642, PURSUANT TO MICHIGAN PUBLIC ACT 174 WAS ENTERED FOR THE SURVEYED PROPERTY. DUE TO THE EXTENDED REPORTING PERIOD FOR UNDERGROUND FACILITY OWNERS TO PROVIDE THEIR RECORDS, THE SURVEY MAY NOT REFLECT ALL THE UTILITIES AT THE TIME THE SURVEY WAS ISSUED ON JUNE 27, 2018. THE SURVEY ONLY REFLECTS THOSE UTILITIES WHICH COULD BE OBSERVED BY THE SURVEYOR IN THE FIELD OR AS DEPICTED BY THE UTILITY COMPANY RECORDS FURNISHED PRIOR TO THE DATE THIS SURVEY WAS ISSUED. THE CLIENT AND/OR THEIR AUTHORIZED AGENT SHALL VERIFY WITH THE FACILITY OWNERS AND/OR THEIR AUTHORIZED AGENTS, THE COMPLETENESS AND EXACTNESS OF THE UTILITIES LOCATION.

**TOPOGRAPHIC SURVEY NOTES**

ALL ELEVATIONS ARE EXISTING ELEVATIONS, UNLESS OTHERWISE NOTED.  
 UTILITY LOCATIONS WERE OBTAINED FROM MUNICIPAL OFFICIALS AND RECORDS OF UTILITY COMPANIES, AND NO GUARANTEE CAN BE MADE TO THE COMPLETENESS, OR EXACTNESS OF LOCATION.  
 THIS SURVEY MAY NOT SHOW ALL EASEMENTS OF RECORD UNLESS AN UPDATED TITLE POLICY IS FURNISHED TO THE SURVEYOR BY THE OWNER.

**LEGEND**

MANHOLE	EXISTING SANITARY SEWER
HYDRANT	EXISTING SAN. CLEAN OUT
MANHOLE	EXISTING WATER MAIN
MANHOLE	EXISTING STORM SEWER
MANHOLE	EX. R.Y. CATCH BASIN
UTILITY POLE	EXISTING BURIED CABLES
GUY POLE	OVERHEAD LINES
GUY WIRE	LIGHT POLE
SIGN	SIGN
EXISTING GAS MAIN	EXISTING GAS MAIN



**CIVIL ENGINEERS  
 LAND SURVEYORS  
 LAND PLANNERS**



**PROJECT**  
 Janineh Medical Building  
 5600 Rochester Road

**CLIENT**  
 Inad Janineh  
 732 South Rochester Rd.  
 Oakland Twp, MI 48363

Phone: 810.627.9606  
 Email: ijanineh@hotmail.com

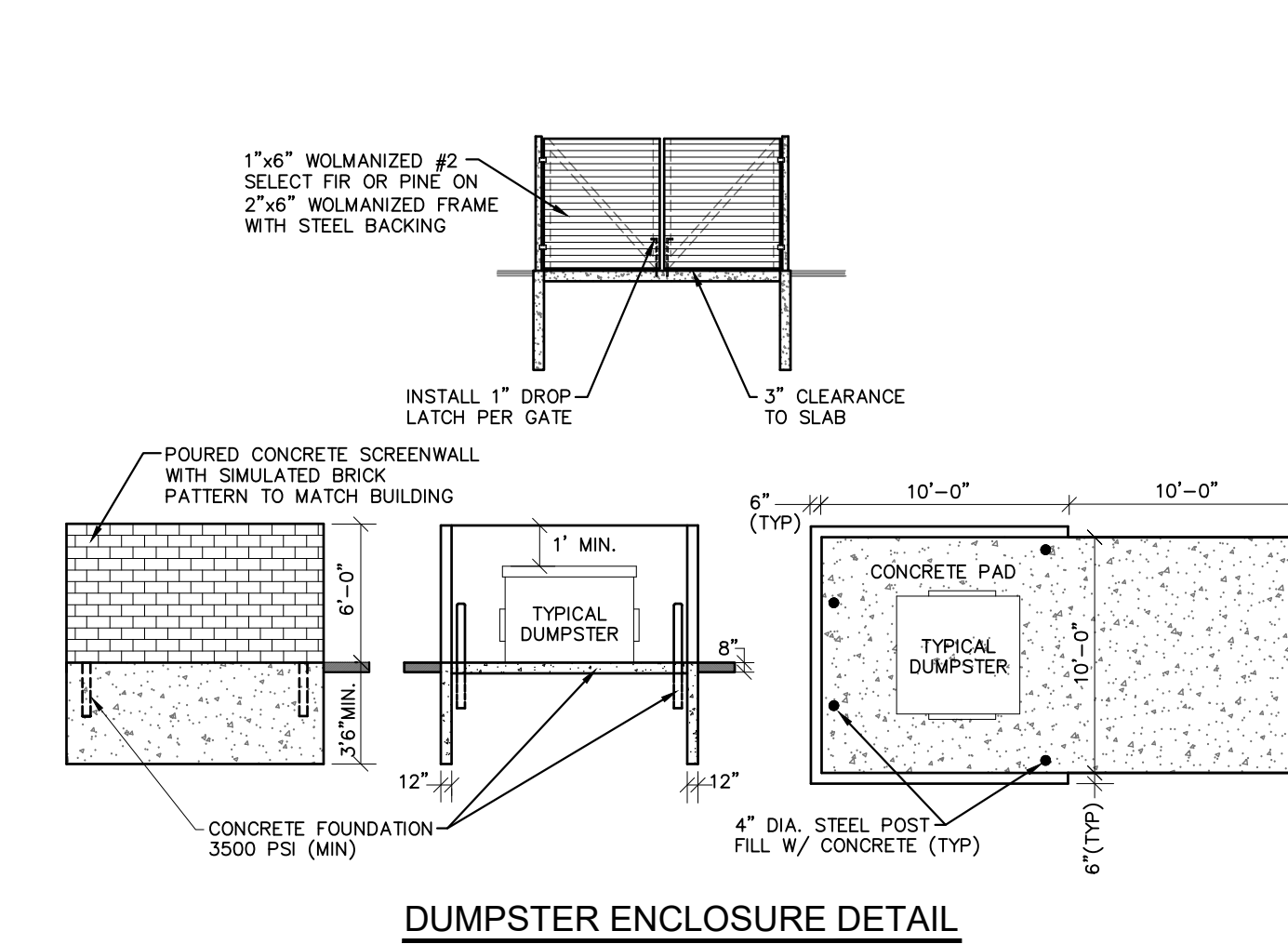
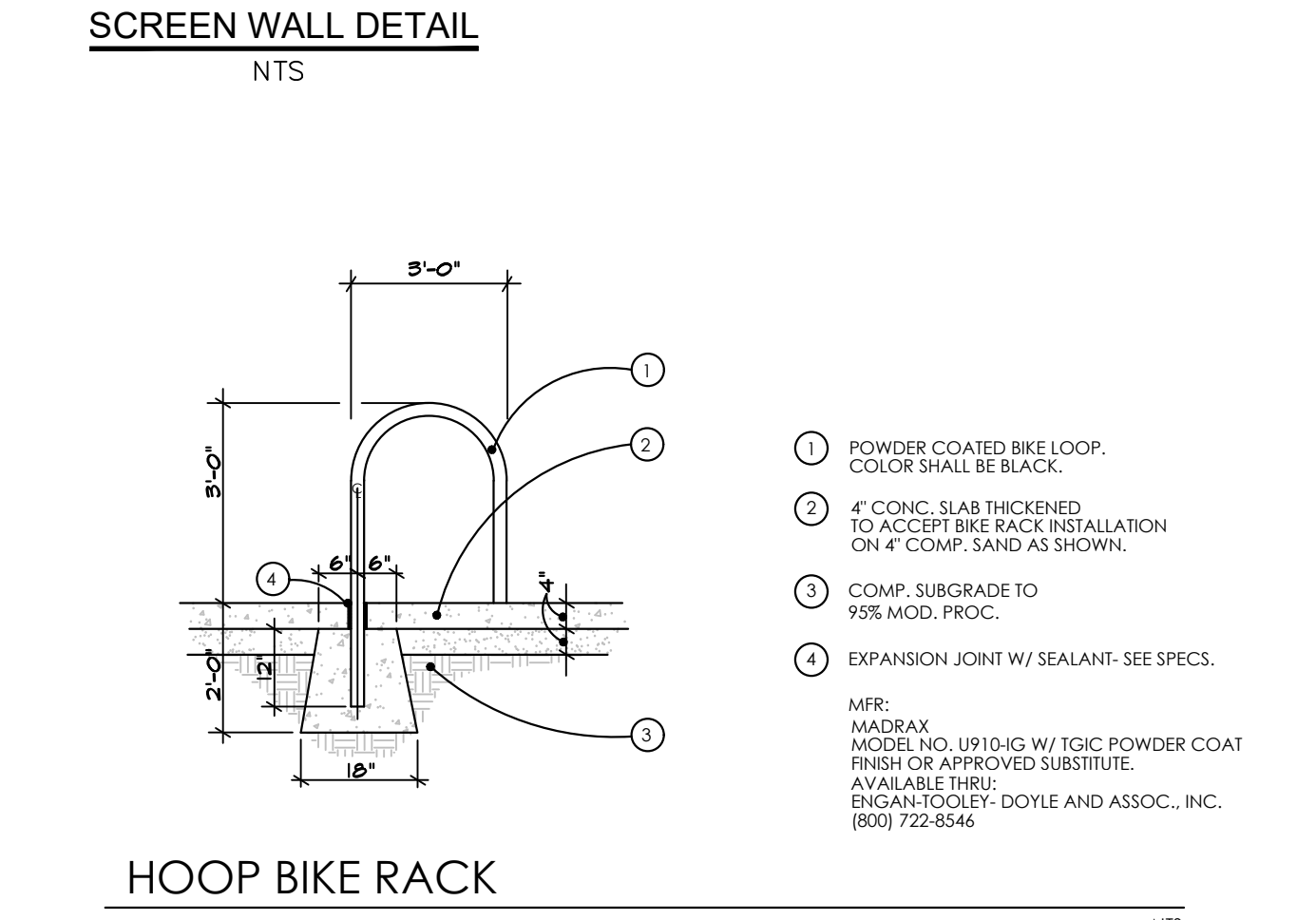
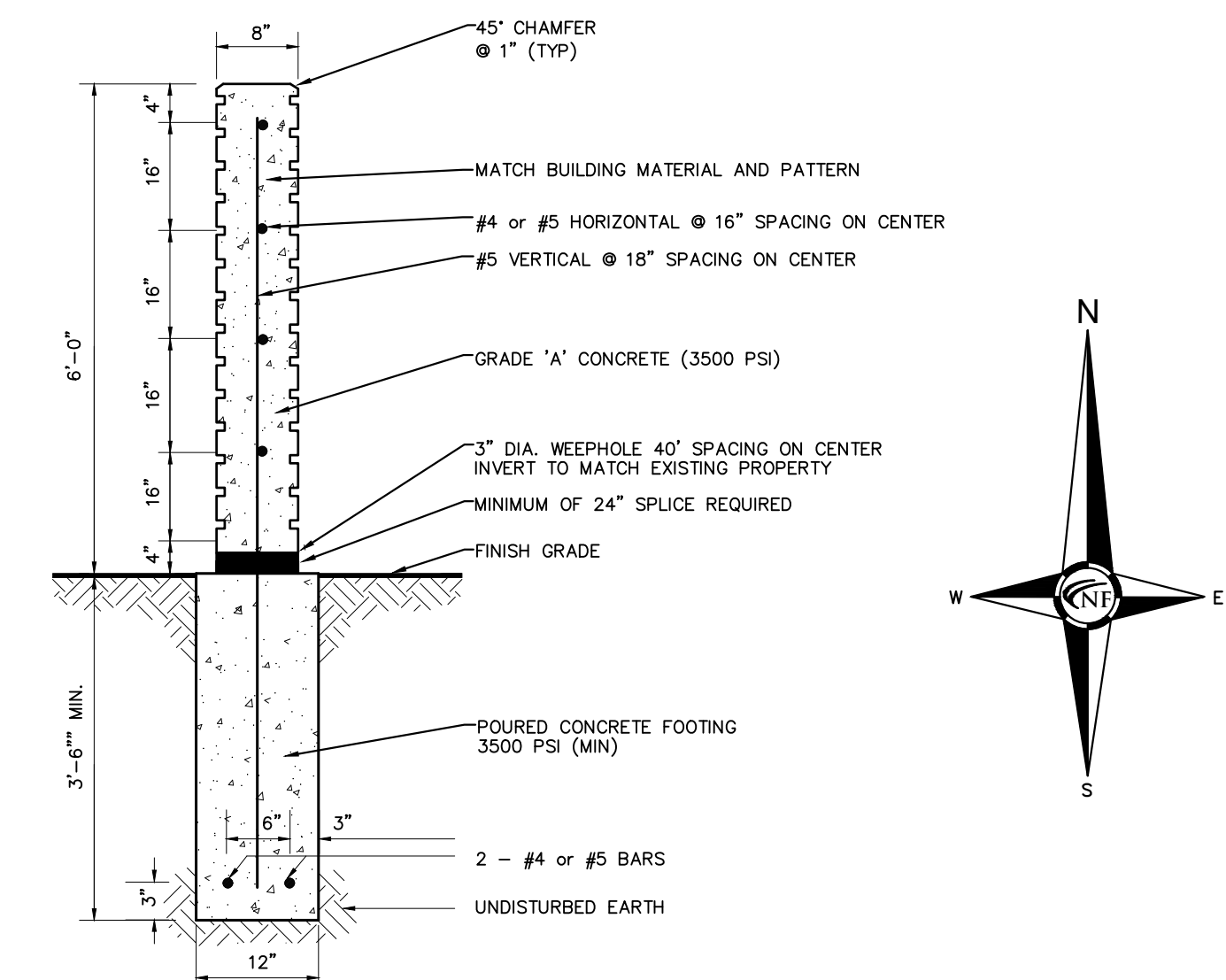
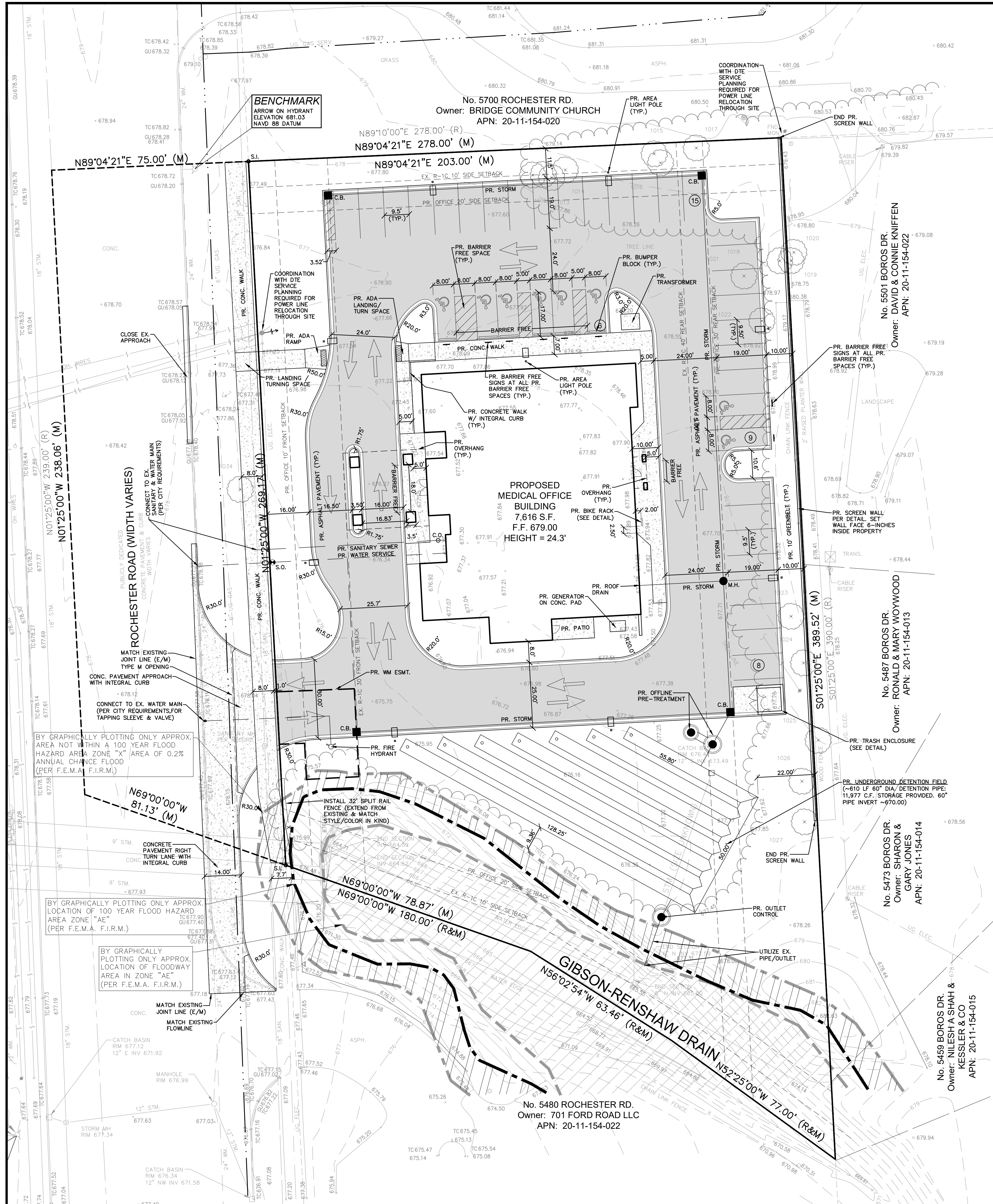
**PROJECT LOCATION**  
 Tax I.D. No. 20-11-154-021  
 Part of the NW 1/4 of Section 11  
 T. 2N., R. 11E.  
 City of Troy,  
 Oakland County, Michigan

**SHEET**  
 Boundary / Topographic /  
 Tree Survey



**DATE ISSUED/REVISED**  
 06-27-18 ISSUED TO CLIENT

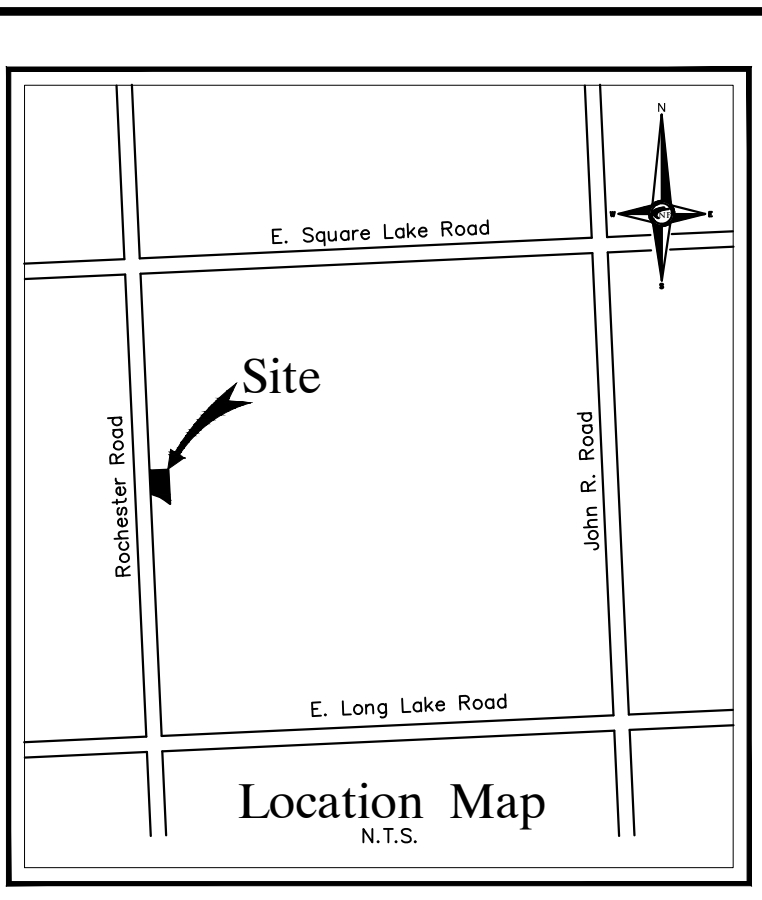
**DRAWN BY:**  
 C. Ellison  
**DESIGNED BY:**  
 K. Navaroli  
**APPROVED BY:**  
 K. Navaroli  
**DATE:**  
 August 27, 2021  
**SCALE:** 1" = 20'  
 NFE JOB NO. **K470** SHEET NO. **T1**



**DETENTION VOLUME CALCULATIONS**  
 Based on OCWRC Equations for 100 Year Storm

Name of Project:	5600 Rochester Road
Location of Project:	Troy, MI
NFE Project No.:	K470-01
Total Site Acreage:	1.49 acres
Contributing Acreage ("A"):	1.49 acres
Calculate Weighted "C"	
Weighted Runoff Coefficient ("C"):	0.65
Allowable Discharge Rate:	0.20 cfs/acre
OCWRC Detention Volume Equations for 100 Year Storm	
Qa = A*(Allowable Discharge Rate) =	0.30 cfs
Qo = Qa / (A*C) =	0.31 cfs (acre*runoff coefficient)
T = -25 + (10,312.5/Qo)*0.5 =	158.07 minutes
Vs = [(16,500*T)/(T+25)]*40*Qo*T =	12,301.29 cubic feet
Vt = Vs + A*C =	11,913.80 cubic feet
<b>TOTAL DETENTION VOLUME (REQUIRED)</b>	<b>11,913.80 CUBIC FEET</b>

SUBJECT TO REFINEMENT PER COUNTY REQUIREMENTS



**NOTE: LIGHTING TIMER**  
 TWO (2) TWENTY FOOT TALL LIGHTS HAVE BEEN PROPOSED AT THE REAR OF THE PROPERTY IN THE INTEREST OF REDUCING VISIBILITY TO THE ADJACENT RESIDENTIAL PROPERTIES. THESE LIGHTS WILL BE CONNECTED TO A TIMER TO TURN OFF BETWEEN THE HOURS OF 11PM-7AM.

**OFF-STREET LOADING WAIVER**  
 THE APPLICANT RESPECTFULLY REQUESTS A WAIVER TO THE REQUIREMENT TO PROVIDE ONE (1) OFF-STREET LOADING SPACE FOR THE PROPOSED JANINEH MEDICAL BUILDING FOR THE FOLLOWING REASON:  
 - DURING OPERATION, THE FACILITY WILL NOT RECEIVE REGULAR DELIVERIES OF EQUIPMENT OR MATERIALS.  
 ANY LOADING THAT WOULD OCCUR AT THE MEDICAL BUILDING WOULD BE SO INFREQUENT AS TO NOT JUSTIFY THE EXISTENCE OF SAID LOADING SPACE.

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ADDRESS: 5600 ROCHESTER ROAD, TROY, MICHIGAN 48065  
 PARCEL ID: 20-11-154-021

**SITE DATA**  
 SITE AREA: 64,826.03 SFT. OR 1.488 ACRES  
 CROSS-SECTION: 64,826.03 SFT. OR 1.488 ACRES  
 ZONING EXISTING: R-1C (ONE-FAMILY RESIDENTIAL DISTRICT) CONTROLLED BY CONSENT JUDGEMENT  
 PROPOSED BUILDING: 7,616 S.F. (GROSS)  
 PROPOSED BLDG HT: 24.3' (ONE STORY)  
 REQUIRED YARDS: FRONT: 30' SIDE: 10', 20' TOTAL REAR: 40'  
 PARKING SETBACKS: R.O.W.: 10' SIDE: 10' REAR: 10'  
 PARKING REQUIRED: 2 SPACES/ EXAM/PROCEDURE ROOM 1 SPACE/ RECOVERY ROOM/LAB 1 SPACE/ EMPLOYEE  
 PROVIDED: 10 EXAM/PROCEDURE ROOMS X 2 = 20 SPACES 8 LAB/OTHER ROOMS X 1 = 8 SPACES 10 EMPLOYEES X 1 = 10 SPACES  
 - TOTAL REQUIRED SPACES = 38  
 - TOTAL PROPOSED SPACES = 38 (INCLUDING 8 ADA SPACES)

**PAVING LEGEND**

[Pattern]	PROPOSED CONCRETE PAVEMENT
[Pattern]	PROPOSED ASPHALT PAVEMENT

**LEGEND**

[Symbol]	MANHOLE	[Symbol]	EXISTING SANITARY SEWER
[Symbol]	HYDRANT	[Symbol]	SAN. CLEAN OUT
[Symbol]	MANHOLE CATCH BASIN	[Symbol]	EXISTING WATERMAIN
[Symbol]	UTILITY POLE	[Symbol]	EXISTING STORM SEWER
[Symbol]	GUY POLE	[Symbol]	EX. R. Y. CATCH BASIN
[Symbol]	GUY WIRE	[Symbol]	EXISTING BURIED CABLES
[Symbol]	C.O.	[Symbol]	OVERHEAD LINES
[Symbol]	HYDRANT	[Symbol]	EXISTING GAS MAIN
[Symbol]	INLET	[Symbol]	PR. SANITARY SEWER
[Symbol]	C.B.	[Symbol]	PR. WATER MAIN
[Symbol]	MANHOLE	[Symbol]	PR. STORM SEWER
[Symbol]		[Symbol]	PR. R. Y. CATCH BASIN
[Symbol]		[Symbol]	PROPOSED LIGHT POLE

**NF ENGINEERS**  
 CIVIL ENGINEERS  
 LAND SURVEYORS  
 LAND PLANNERS

NOWAK & FRAUS ENGINEERS  
 46777 WOODWARD AVE.  
 PONTIAC, MI 48342-5032  
 TEL. (248) 332-7931  
 FAX. (248) 332-8257

SEAL NOT FOR CONSTRUCTION

STATE OF MICHIGAN  
 PAUL TULKANGAS  
 ENGINEER  
 NO. 057929  
 PROFESSIONAL ENGINEER

*Paul Tulkangas*

**PROJECT**  
 Janineh Medical Building  
 5600 Rochester Road

**CLIENT**  
 Inad Janineh  
 732 South Rochester Rd.  
 Oakland Twp, MI 48363

Phone: 810.627.9606  
 Email: [ijanineh@hotmail.com](mailto:ijanineh@hotmail.com)

**PROJECT LOCATION**  
 Tax I.D. No. 20-11-154-021  
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 T. 2N., R. 11E.  
 City of Troy,  
 Oakland County, Michigan

**SHEET**  
 Overall Site &  
 Dimension Plan

**811**  
 Know what's below  
 Call before you dig.

**DATE ISSUED/REVISED**

06-27-18	ISSUED TO CLIENT
09-18-18	ISSUED TO CLIENT
09-28-20	REVISED CONCEPT
10-15-20	PRELIMINARY SITE PLAN
02-17-22	REVISED PER CITY

**DRAWN BY:**  
 B. Girschbach

**DESIGNED BY:**  
 B. Buchholz

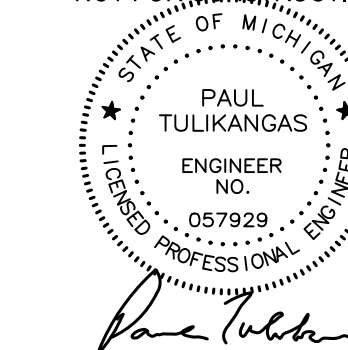
**APPROVED BY:**  
 B. Buchholz

**DATE:**  
 August 27, 2021

**SCALE:** 1" = 20'

NFE JOB NO. **K470** SHEET NO. **C1**

SEAL NOT FOR CONSTRUCTION



PROJECT  
Janineh Medical Building  
5600 Rochester Road

CLIENT  
Inad Janineh  
732 South Rochester Rd.  
Oakland Twp, MI 48363

Phone: 810.627.9606  
Email:  
ijanineh@hotmail.com

PROJECT LOCATION  
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of Section 11  
T. 2N., R. 11E.  
City of Troy,  
Oakland County, Michigan

SHEET  
Demolition Plan



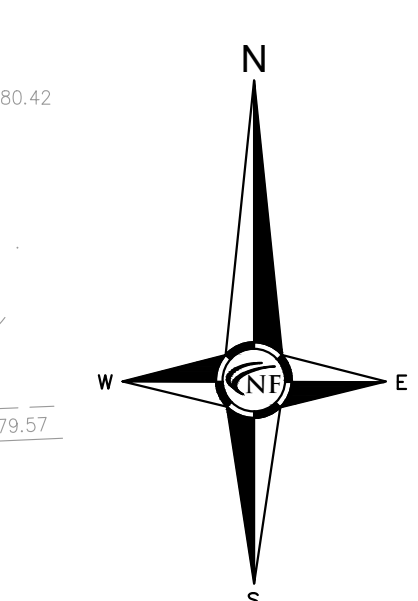
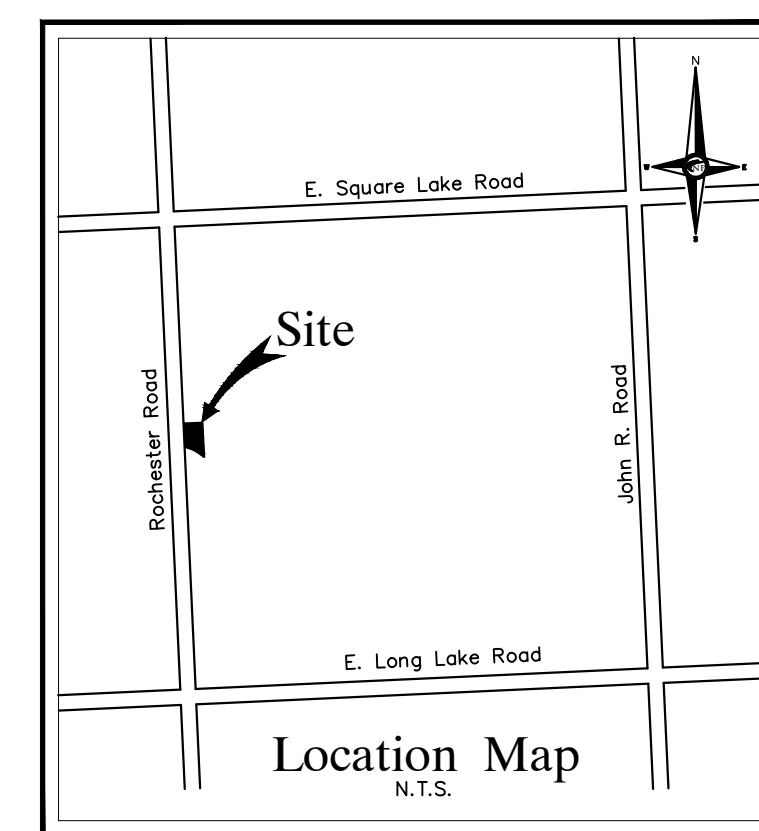
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02-17-22 REVISED PER CITY

DRAWN BY:  
B. Girschach  
DESIGNED BY:  
B. Buchholz  
APPROVED BY:  
B. Buchholz

DATE:  
August 27, 2021

SCALE: 1" = 30'

NFE JOB NO. SHEET NO.  
K470 C2



**DEMOLITION NOTES**

- DEMOLITION OF SITE IMPROVEMENTS SHALL BE ALLOWED ONLY AFTER AN APPROVED PERMIT HAS BEEN SECURED FROM THE PUBLIC AGENCY HAVING JURISDICTION OVER SAID DEMOLITION.
- FOR ANY DEMOLITION WITHIN PUBLIC RIGHT-OF-WAY, THE CONTRACTOR SHALL PAY FOR, AND SECURE, ALL NECESSARY PERMITS AND LICENSES AND ARRANGE FOR ALL SITE INSPECTIONS.
- SITE DEMOLITION INCLUDES THE COMPLETE REMOVAL OF SITE IMPROVEMENTS AND OFF-SITE DISPOSAL OF DEBRIS TO AN APPROPRIATE DISPOSAL FACILITY THAT IS LICENSED FOR THAT TYPE OF DEBRIS.
- THE CONTRACTOR SHALL COORDINATE TRUCK ROUTES WITH THE MUNICIPALITY PRIOR TO COMMENCEMENT OF SITE DEMOLITION. ALL TRUCKS SHALL BE TARPED OR PROPERLY SECURED TO CONTAIN DEMOLITION DEBRIS PRIOR TO LEAVING SITE.
- EXISTING ON-SITE UNDERGROUND UTILITIES AND BUILDING SERVICES HAVE BEEN INDICATED BASED UPON THE BEST AVAILABLE UTILITY RECORDS AND/OR ON-SITE INSPECTION. NO GUARANTEE IS MADE BY THE DESIGN ENGINEER, AS TO THE COMPLETENESS OR ACCURACY OF UTILITY DATA. THE CONTRACTOR SHALL BE RESPONSIBLE FOR FIELD VERIFICATION OF UTILITY INFORMATION (THE DESIGN ENGINEER MAKES NO GUARANTEE NOR ASSUMES ANY LIABILITY AS TO THE COMPLETENESS AND/OR ACCURACY OF UTILITY DATA).
- PRIOR TO THE REMOVAL OR ABANDONMENT OF ANY EXISTING UNDERGROUND UTILITY OR BUILDING SERVICE LINES CALLED FOR IN THE PLANS OR DISCOVERED DURING EXCAVATION, THE CONTRACTOR MUST DETERMINE IF THE UTILITY LINE OR BUILDING SERVICE IS STILL IN USE. IF THE UTILITY LINE OR BUILDING SERVICE IS STILL IN USE/ACTIVE THE CONTRACTOR MUST TAKE ALL THE NECESSARY STEPS TO GUARANTEE THAT THE UTILITY LINE OR BUILDING SERVICE IS RECONNECTED WITHOUT AN INTERRUPTION IN SERVICE. THE RECONNECTION OF THE UTILITY LINE OR BUILDING SERVICE MUST BE IN ACCORDANCE WITH THE STANDARDS AND REQUIREMENTS OF THE APPROPRIATE GOVERNMENTAL AGENCY OR PRIVATE UTILITY COMPANY.
- SOIL EROSION AND SEDIMENTATION CONTROL MEASURES SHALL BE INSTALLED BY THE CONTRACTOR PRIOR TO SITE DEMOLITION.
- THE CONTRACTOR SHALL NOTIFY MISS DIG (1-800-482-7171) A MINIMUM OF THREE (3) WORKING DAYS PRIOR TO THE START OF THE SITE DEMOLITION.
- THE CONTRACTOR SHALL COORDINATE THE REMOVAL AND/OR RELOCATION OF EXISTING UTILITY POLES AND BUILDING SERVICES WITH THE DETROIT EDISON COMPANY. REMOVAL OF DETROIT EDISON ELECTRICAL SERVICES SHALL BE IN ACCORDANCE WITH THE CURRENT STANDARDS AND REQUIREMENTS OF DETROIT EDISON.
- THE CONTRACTOR SHALL COORDINATE THE REMOVAL AND/OR RELOCATION OF EXISTING UTILITY POLES AND BUILDING SERVICES WITH CONSUMERS ENERGY/MICHIGAN. REMOVAL OF CONSUMERS ENERGY/MICHIGAN GAS SERVICES SHALL BE IN ACCORDANCE WITH THE STANDARDS AND REQUIREMENTS OF CONSUMERS ENERGY/MICHIGAN.
- THE CONTRACTOR SHALL COORDINATE THE REMOVAL AND/OR RELOCATION OF EXISTING UTILITY POLES AND BUILDING SERVICES WITH AMERITECH. REMOVAL OF AMERITECH COMMUNICATION SERVICES SHALL BE IN ACCORDANCE WITH THE CURRENT STANDARDS AND REQUIREMENTS OF AMERITECH.
- THE CONTRACTOR SHALL COORDINATE THE REMOVAL AND/OR RELOCATION OF EXISTING UTILITY POLES AND BUILDING SERVICES WITH THE APPROPRIATE CABLE MEDIA COMPANY. REMOVAL OF CABLE SERVICES SHALL BE IN ACCORDANCE WITH THE CURRENT STANDARDS AND REQUIREMENTS OF THE CABLE COMPANY.
- THE CONTRACTOR SHALL BE RESPONSIBLE FOR NOTIFICATION OF PRIVATE UTILITY COMPANIES AND COORDINATE UTILITY SERVICE SHUT OFF/DISCONNECT, PRIOR TO DEMOLITION OF EXISTING STRUCTURES OR PROPERTIES.
- ALL UTILITY METERS SHALL BE REMOVED BY THE APPROPRIATE UTILITY COMPANY.
- ANY ON-SITE STORM SEWER FACILITIES LOCATED DURING DEMOLITION SHALL BE REMOVED AND BULK HEADED AT THE PROPERTY LINE IF INDICATED FOR REMOVAL ON THE PLANS.
- PRIOR TO BUILDING DEMOLITION, ALL HAZARDOUS MATERIAL SHALL BE REMOVED BY OTHERS. THE DEMOLITION CONTRACTOR SHALL IMMEDIATELY NOTIFY THE OWNER SHOULD ANY SUSPICIOUS MATERIAL BE FOUND.
- WATER SERVICES AND/OR STOP-BOX SHALL BE PRESERVED AND BULK HEADED AT THE PROPERTY LINE OR AS DIRECTED BY THE OWNER'S REPRESENTATION.
- WHERE EXISTING BUILDINGS PLANNED FOR DEMOLITION FALL WITHIN PROPOSED BUILDING FOOT PRINTS, BASEMENT FLOOR SLABS, FOUNDATION WALLS AND FOOTINGS SHALL BE COMPLETELY REMOVED AND BACK FILLED WITH MDOT CLASS II GRANULAR MATERIAL AND BE MACHINE COMPACTED TO A MINIMUM OF 98% OF MATERIALS MAXIMUM DENSITY.

**TOPOGRAPHIC SURVEY NOTES**

ALL ELEVATIONS ARE EXISTING ELEVATIONS, UNLESS OTHERWISE NOTED.  
UTILITY LOCATIONS WERE OBTAINED FROM MUNICIPAL OFFICIALS AND RECORDS OF UTILITY COMPANIES, AND NO GUARANTEE CAN BE MADE TO THE COMPLETENESS, OR EXACTNESS OF LOCATION.  
THIS SURVEY MAY NOT SHOW ALL EASEMENTS OF RECORD UNLESS AN UPDATED TITLE POLICY IS FURNISHED TO THE SURVEYOR BY THE OWNER.

**LEGEND**

	EXISTING SANITARY SEWER
	EXISTING SAN. CLEAN OUT
	EXISTING WATER MAIN
	EXISTING STORM SEWER
	EX. R. Y. CATCH BASIN
	EXISTING BURIED CABLES
	OVERHEAD LINES
	SIGN
	EXISTING GAS MAIN
	EXISTING ITEM REQUIRES REMOVAL AS NOTED
	EXISTING UTILITY TO BE ABANDONED
	INDICATES EXISTING TREE TO BE REMOVED
	INDICATES AREAS OF CONC. PAVT. / WALK TO BE REMOVED
	INDICATES AREAS OF ASPHALT PAVT. TO BE REMOVED



**GENERAL PAVING NOTES**

PAVEMENT SHALL BE OF THE TYPE, THICKNESS AND CROSS SECTION AS INDICATED ON THE PLANS AND AS FOLLOWS:

**CONCRETE:** PORTLAND CEMENT TYPE IA (AIR-ENTRAINED) WITH A MINIMUM CEMENT CONTENT OF SIX SACKS PER CUBIC YARD, MINIMUM 28 DAY COMPRESSIVE STRENGTH OF 3,500 PSI AND A SLUMP OF 1 1/2 TO 3 INCHES.

**ASPHALT:** BASE COURSE - MODIFIED BITUMINOUS MIXTURE NO. 1100L, 20AA; SURFACE COURSE - MODIFIED BITUMINOUS MIXTURE NO. 1100T, 20AA; ASPHALT CEMENT PENETRATION GRADE 85-100, BOND COAT - MODIFIED SS-1H EMULSION AT 0.10 GALLON PER SQUARE YARD; MAXIMUM 2 INCH LIFT.

PAVEMENT BASE SHALL BE COMPACTED TO 95% OF THE MAXIMUM DENSITY (MODIFIED PROCTOR) PRIOR TO PLACEMENT OF PROPOSED PAVEMENT. EXISTING SUB-BASE SHALL BE PROOF-ROLLED IN THE PRESENCE OF THE ENGINEER TO DETERMINE STABILITY. ALL CONCRETE PAVEMENT, DRIVEWAYS, CURBS & GUTTER, ETC., SHALL BE SPRAY CURED WITH WHITE MEMBRANE CURING FOLLOWING IMMEDIATE FINISHING OPERATION.

ALL CONCRETE PAVEMENT JOINTS SHALL BE FILLED WITH HOT POURED RUBBERIZED ASPHALT JOINT SEALING COMPOUND IMMEDIATELY AFTER SAWCUT OPERATION. FEDERAL SPECIFICATION SS-5164.

ALL WORKMANSHIP AND MATERIALS SHALL BE IN ACCORDANCE WITH THE CURRENT STANDARDS AND SPECIFICATIONS OF THE MUNICIPALITY AND THE MICHIGAN DEPARTMENT OF TRANSPORTATION STANDARD SPECIFICATIONS FOR CONSTRUCTION, CURRENT EDITION.

ALL TOP OF CURB ELEVATIONS, AS SHOWN ON THE PLANS, ARE CALCULATED FOR A 6" CONCRETE CURB UNLESS OTHERWISE NOTED OR AS CALCULATED BETWEEN PROPOSED TO/GU ELEVATIONS.

ALL SIDEWALK RAMPS, CONFORMING TO PUBLIC ACT NO. 8, 1993, SHALL BE INSTALLED AS INDICATED ON THE PLANS.

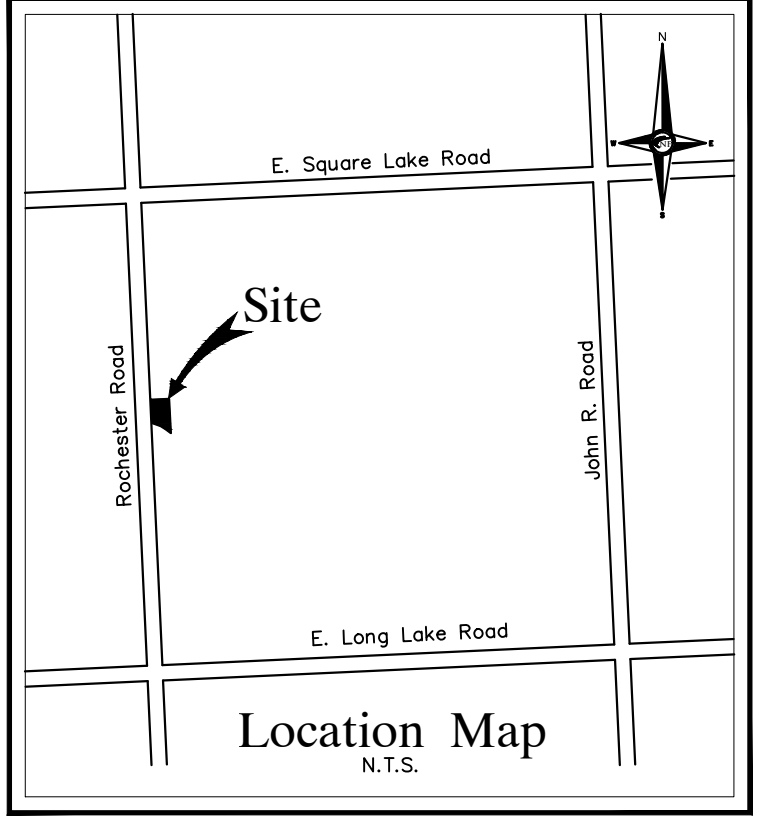
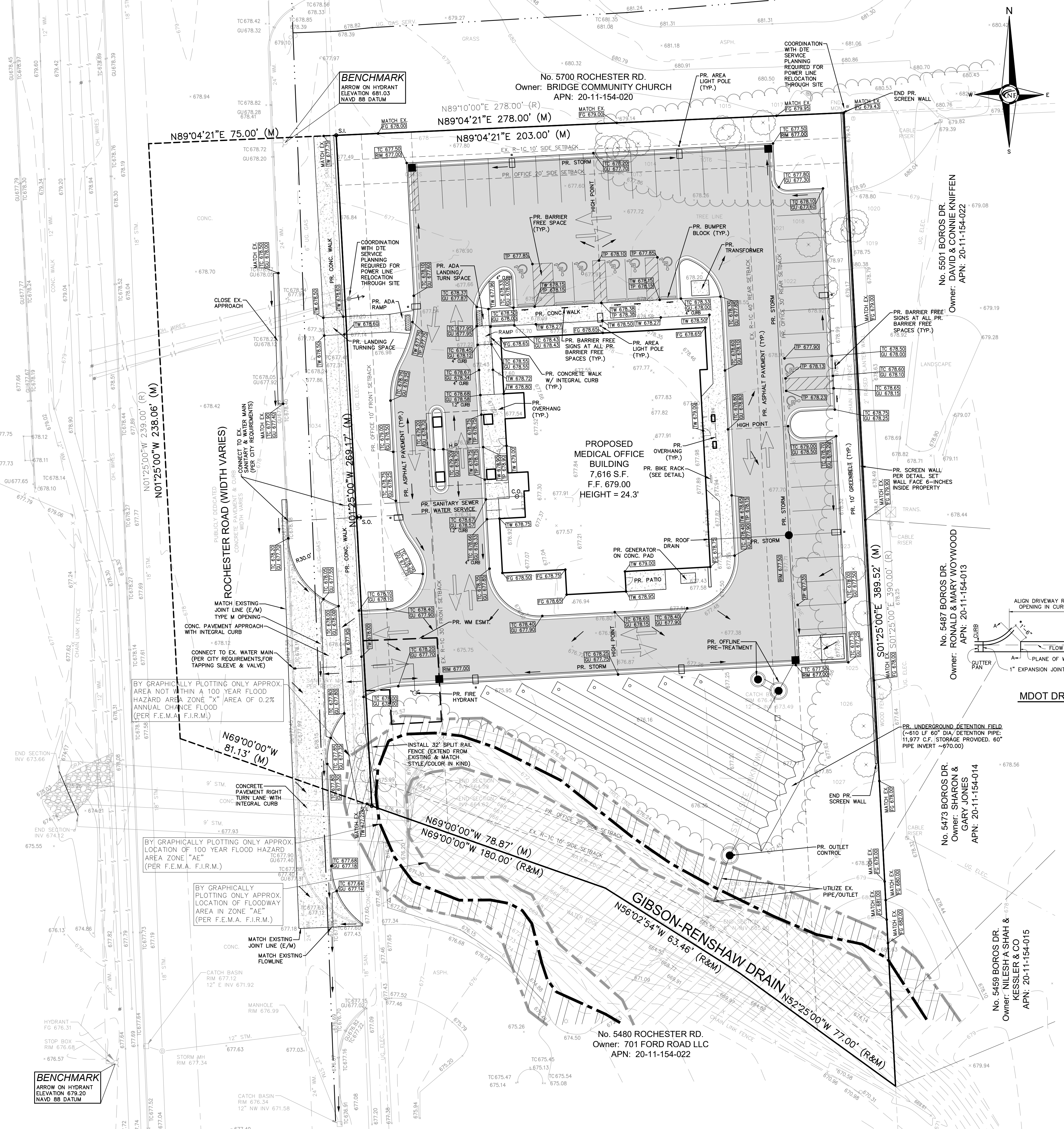
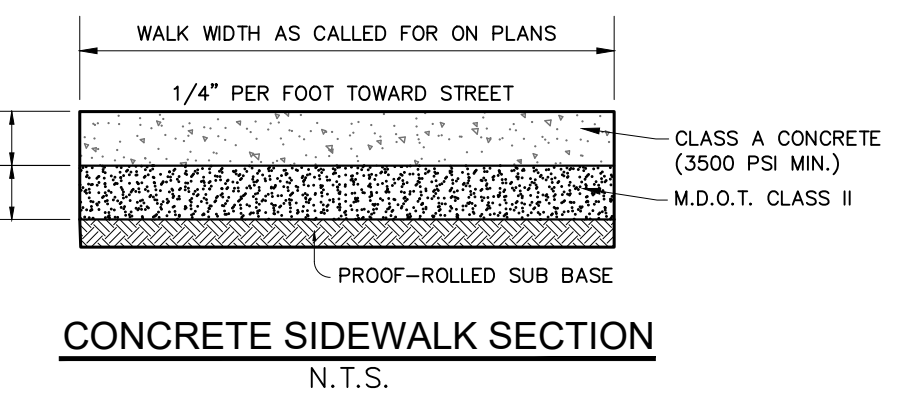
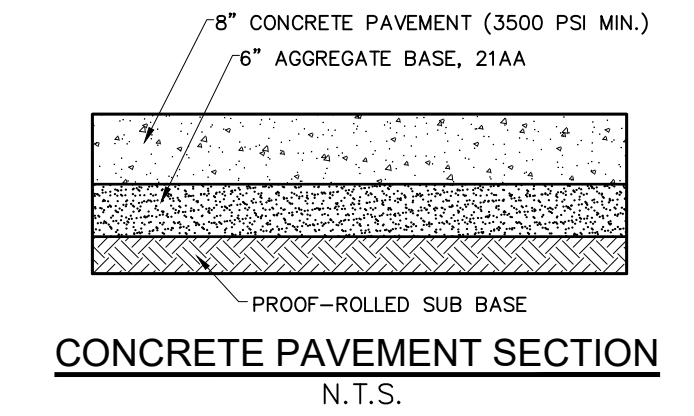
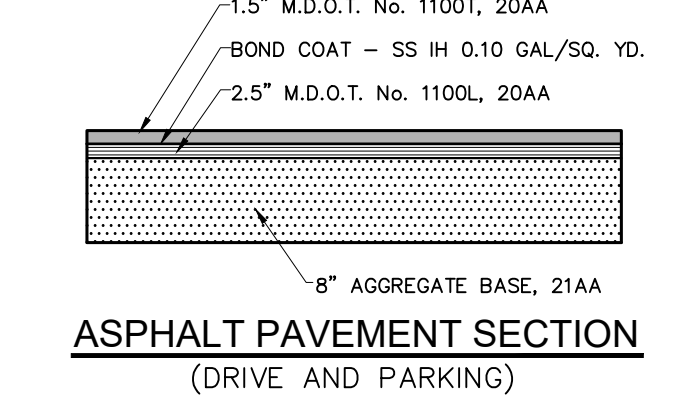
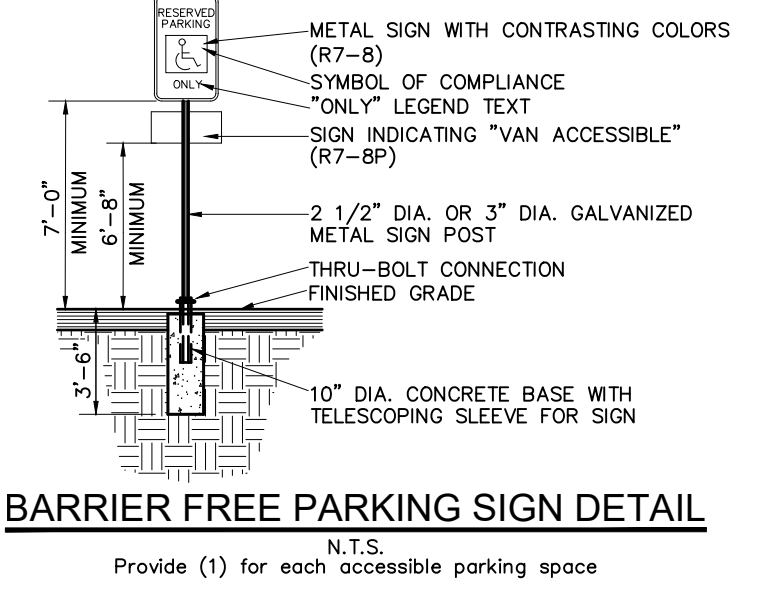
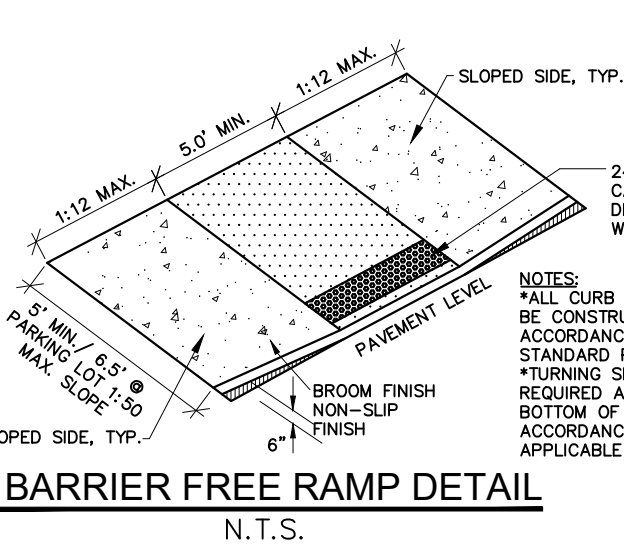
CONSTRUCTION OF A NEW OR RECONSTRUCTED DRIVE APPROACH CONNECTING TO AN EXISTING STATE OR COUNTY ROADWAY SHALL BE ALLOWED ONLY AFTER AN APPROVED PERMIT HAS BEEN SECURED FROM THE AGENCY HAVING JURISDICTION OVER SAID ROADWAY.

FOR ANY WORK WITHIN THE PUBLIC RIGHT-OF-WAY, THE CONTRACTOR SHALL PAY FOR AND SECURE ALL NECESSARY PERMITS AND LICENSES ARRANGE FOR ALL INSPECTION. EXISTING TOPSOIL, VEGETATION AND ORGANIC MATERIALS SHALL BE STRIPPED AND REMOVED FROM PROPOSED PAVEMENT AREA PRIOR TO PLACEMENT OF BASE MATERIALS. EXPANSION JOINTS SHOULD BE INSTALLED AT THE END OF ALL INTERSECTION RADIUS.

SIDEWALK RAMPS, CONFORMING TO PUBLIC ACT NO. 8, 1973, SHALL BE INSTALLED AS SHOWN AT ALL STREET INTERSECTIONS AND AT ALL BARRIER FREE PARKING AREAS AS INDICATED ON THE PLANS.

ALL PAVEMENT AREAS SHALL BE PROOF-ROLLED UNDER THE SUPERVISION OF A GEOTECHNICAL ENGINEER PRIOR TO THE PLACEMENT OF BASE MATERIALS AND PAVING MATERIALS.

FILL AREAS SHALL BE MACHINE COMPACTED IN UNIFORM LIFTS NOT EXCEEDING 3 INCHES THICK TO 98% OF THE MAXIMUM DENSITY (MODIFIED PROCTOR) PRIOR TO PLACEMENT OF PROPOSED PAVEMENT.

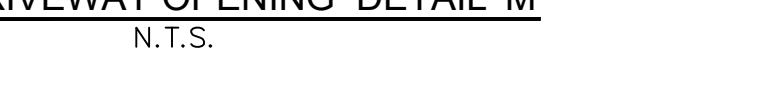
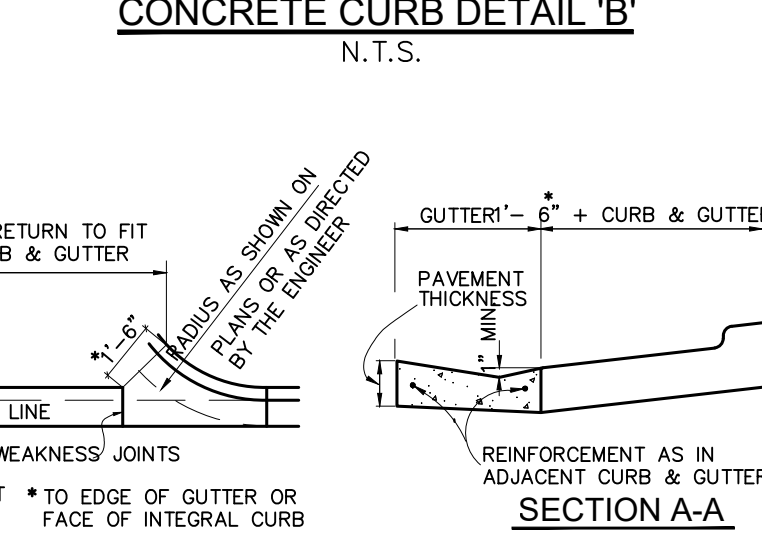
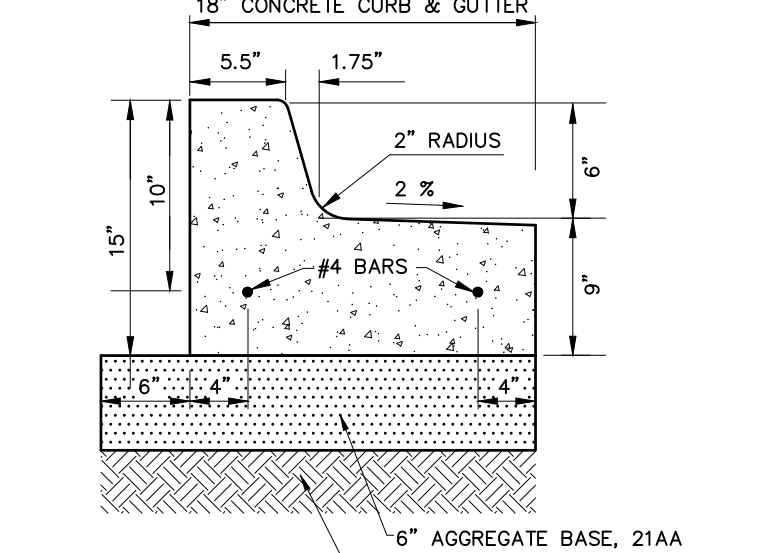


**LEGAL DESCRIPTION - PER TAX DESCRIPTION**

A PARCEL OF LAND LOCATED IN AND BEING PART OF THE NORTHWEST 1/4 OF SECTION 11, TOWN 2 NORTH, RANGE 11 EAST, CITY OF TROY, OAKLAND COUNTY, MICHIGAN AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT A POINT 420.82 FEET NORTH 01 DEGREES 25 MINUTES WEST FROM THE WEST CORNER OF SECTION 11; THENCE EXTENDING NORTH 01 DEGREES 25 MINUTES WEST, 239.00 FEET ALONG THE WEST LINE OF SECTION 11; ALSO BEING THE CENTERLINE OF ROCHESTER ROAD; THENCE NORTH 89 DEGREES, 10 MINUTES EAST, 278.00 FEET; THENCE SOUTH 01 DEGREES, 25 MINUTES EAST, 390.00 FEET; THENCE ALONG THE CENTERLINE OF THE RENSHAW (GIBSON) DRAIN NORTH 52 DEGREES 45 MINUTES WEST, 77.00 FEET, NORTH 56 DEGREES 02 MINUTES 54 SECONDS WEST, 63.46 FEET AND NORTH 69 DEGREES, 00 MINUTES WEST, 180 FEET TO THE POINT OF BEGINNING.

ADDRESS: 5600 ROCHESTER ROAD, TROY, MICHIGAN 48065  
PARCEL ID: 20-11-154-021



**PAVING LEGEND**

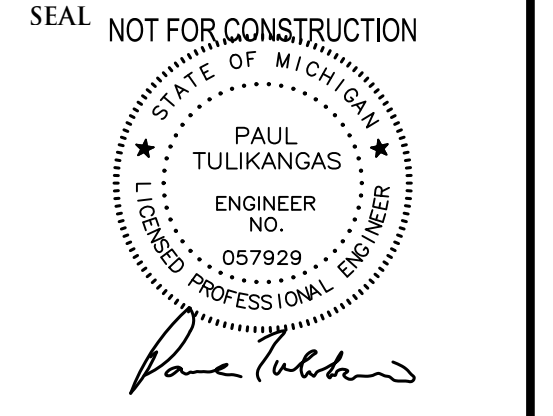
[Pattern]	PROPOSED CONCRETE PAVEMENT
[Pattern]	PROPOSED ASPHALT PAVEMENT

**LEGEND**

[Symbol]	MANHOLE	EXISTING SANITARY SEWER
[Symbol]	HYDRANT	SAN. CLEAN OUT
[Symbol]	MANHOLE	EXISTING WATERMAIN
[Symbol]	MANHOLE	EXISTING STORM SEWER
[Symbol]	UTILITY POLE	EX. R. Y. CATCH BASIN
[Symbol]	GUY POLE	EXISTING BURIED CABLES
[Symbol]	GUY WIRE	OVERHEAD LINES
[Symbol]	INLET	LIGHT POLE
[Symbol]	MANHOLE	SIGN
[Symbol]	HYDRANT	EXISTING GAS MAIN
[Symbol]	INLET	PR. SANITARY SEWER
[Symbol]	MANHOLE	PR. WATER MAIN
[Symbol]	MANHOLE	PR. STORM SEWER
[Symbol]	MANHOLE	PR. R. Y. CATCH BASIN
[Symbol]	MANHOLE	PROPOSED LIGHT POLE
[Symbol]	MANHOLE	PR. TOP OF CURB ELEVATION
[Symbol]	MANHOLE	PR. GUTTER ELEVATION
[Symbol]	MANHOLE	PR. TOP OF WALK ELEVATION
[Symbol]	MANHOLE	PR. TOP OF PMVT. ELEVATION
[Symbol]	MANHOLE	FINISH GRADE ELEVATION

**NF ENGINEERS**  
CIVIL ENGINEERS  
LAND SURVEYORS  
LAND PLANNERS

NOWAK & FRAUS ENGINEERS  
4677 WOODWARD AVE.  
PONTIAC, MI 48342-5032  
TEL. (248) 332-7931  
FAX. (248) 332-8257



**PROJECT**  
Janineh Medical Building  
5600 Rochester Road

**CLIENT**  
Inad Janineh  
732 South Rochester Rd.  
Oakland Twp, MI 48363

Phone: 810.627.9606  
Email: [ijanineh@hotmail.com](mailto:ijanineh@hotmail.com)

**PROJECT LOCATION**  
Tax I.D. No. 20-11-154-021  
Part of the NW 1/4 of Section 11  
T. 2N., R. 11E.  
City of Troy,  
Oakland County, Michigan

**SHEET**  
Paving & Grading Plan



**DATE ISSUED/REVISED**

06-27-18	ISSUED TO CLIENT
09-10-18	ISSUED TO CLIENT
09-28-20	REVISED CONCEPT
10-15-20	PRELIMINARY SITE PLAN
02-17-22	REVISED PER CITY

**DRAWN BY:**  
B. Girschach

**DESIGNED BY:**  
B. Buchholz

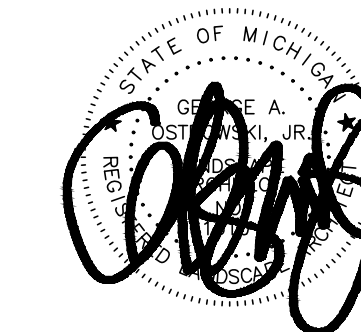
**APPROVED BY:**  
B. Buchholz

**DATE:**  
August 27, 2021

**SCALE:** 1" = 20'

NFE JOB NO. **K470** SHEET NO. **C3**

SEAL



PROJECT  
Janineh Medical Building  
5600 Rochester Road  
Troy, Michigan

CLIENT  
Dr. Inad Janineh  
732 S. Rochester Road  
Oakland, MI 48363

Contact:  
Dr. Inad Janineh  
(810) 627-9606

PROJECT LOCATION  
Part of NW 1/4 of Section 11,  
T.2N., R.11E., City of  
Troy, Oakland County,  
Michigan

SHEET  
Tree Preservation Plan



Know what's below  
Call before you dig.

REVISIONS  
10/15/20 PRELIMINARY SITE PLAN  
11/29/21 REVISED PER CITY

DRAWN BY:  
G. Ostrowski

DESIGNED BY:  
G. Ostrowski

APPROVED BY:  
G. Ostrowski

DATE:  
09-25-2020

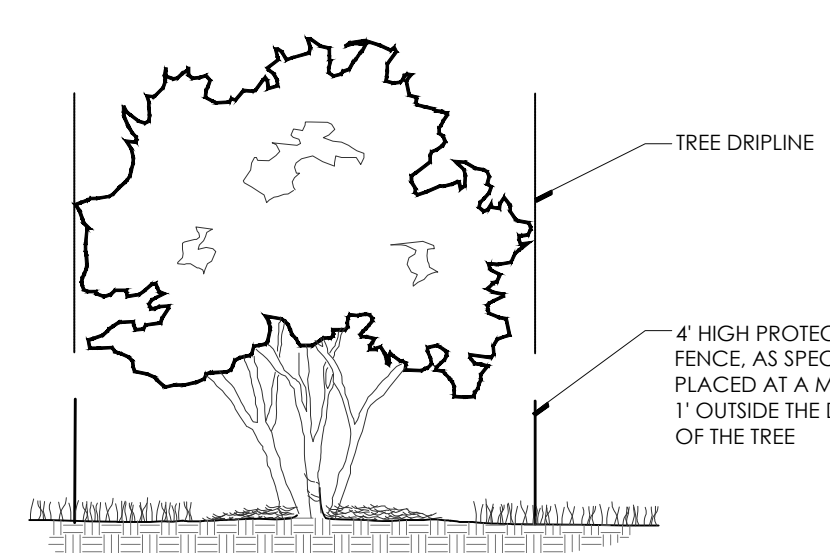
SCALE: 1" = 20'

20 10 0 10 20 30

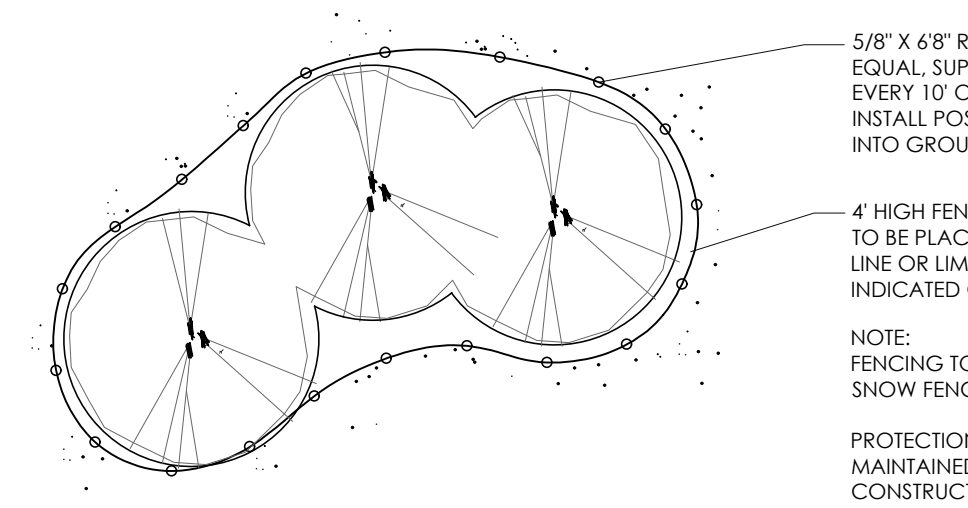
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**K470-01 L1**

**TREE INVENTORY**

Tree #	Landmark (Y/N)	Off-Site (Y/N)	Remove/Save	Botanical Name	Common Name	Dia.	Type	Other Dia.	Condition	Comments
1011	N	N	REMOVE	Populus deltoides	Eastern Cottonwood	14			Fair	competition
1012	N	N	REMOVE	Populus deltoides	Eastern Cottonwood	16			Fair	competition
1013	N	N	REMOVE	Populus deltoides	Eastern Cottonwood	16	twin	10	Good	
1014	N	N	REMOVE	Populus deltoides	Eastern Cottonwood	17	twin	10	Good	
1015	N	N	REMOVE	Populus deltoides	Eastern Cottonwood	18			Good	
1016	N	N	REMOVE	Populus deltoides	Eastern Cottonwood	16			Good	
1017	N	N	REMOVE	Populus deltoides	Eastern Cottonwood	14			Fair	rot
1018	N	N	REMOVE	Populus deltoides	Eastern Cottonwood	17			Fair	competition
1019*	N	Y	SAVE	Populus deltoides	Eastern Cottonwood	14			Fair	competition
1020*	N	Y	SAVE	Populus deltoides	Eastern Cottonwood	19	multi	16, 10	Fair	competition
1021	N	N	REMOVE	Acer saccharinum	Silver maple	16			Fair	vines, dieback
1022	N	N	REMOVE	Acer saccharinum	Silver maple	12			Fair	dieback
1023	N	N	REMOVE	Acer negundo	Boxelder	8	multi		Good	
1024	N	N	REMOVE	Pyrus spp	Pear	8			Poor	lean, vines, dieback
1025*	N	Y	SAVE	Cercis canadensis	Redbud	8			Poor	rot, split, dieback, insect, lean
1026	N	N	REMOVE	Cercis canadensis	Redbud	8	multi	8,7	Poor	hollow, rot, vines
1027	N	N	REMOVE	Acer negundo	Boxelder	7	twin	6	Fair	lean, dieback
1028	N	N	REMOVE	Picea abies	Norway Spruce	11			Fair	insect
1029	N	N	REMOVE	Picea abies	Norway Spruce	6			Fair	lean, dieback
1030	N	N	REMOVE	Pinus bungeana	Little leaf linden	8	multi	8,6	Fair	mechanical damage, rot
1031	N	N	REMOVE	Cercis canadensis	Redbud	6	twin	6	Poor	hollow, rot
1032	N	N	REMOVE	Picea abies	Norway Spruce	9	twin		Poor	insect, fungus, dieback
1033	N	N	REMOVE	Picea pungens	Colorado Blue Spruce	11			Good	
1034*	N	Y	REMOVE	Picea abies	Norway Spruce	9			Good	
1035	N	N	REMOVE	Pyrus calleryana	Bradford Pear	8	multi	8	Good	



TREE PROTECTION DETAIL-SECTION NTS



TREE PROTECTION DETAIL-PLAN NTS

**GENERAL TREE PROTECTION NOTES**

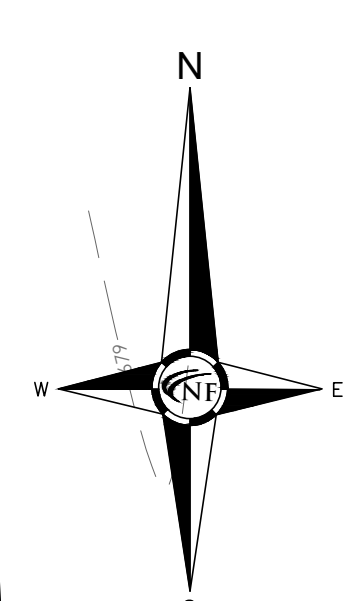
- APPROVED TREE PROTECTION SHALL BE ERRECTED PRIOR TO THE START OF CONSTRUCTION ACTIVITIES, AND SHALL REMAIN IN PLACE UNTIL THE IN PLACE UNTIL CONSTRUCTION IS COMPLETE.
- ALL UNDERSTORY VEGETATION WITHIN THE LIMITS OF PROTECTIVE FENCING SHALL BE PRESERVED.
- NO PERSON MAY CONDUCT ANY ACTIVITY WITHIN THE DRIP LINE OF ANY TREE DESIGNATED TO REMAIN, INCLUDING BUT NOT LIMITED TO, PLACING SOLVENTS, BUILDING MATERIALS, CONSTRUCTION EQUIPMENT, OR SOIL DEPOSITS WITHIN THE DRIP LINE.
- WHERE GROUPINGS OF TREES ARE TO REMAIN, TREE FENCING SHALL BE PLACED AT THE LIMITS OF GRADING LINE.
- DURING CONSTRUCTION, NO PERSON SHALL ATTACH ANY DEVICE OR WIRE TO ANY TREE SCHEDULED TO REMAIN.
- ALL UTILITY SERVICE REQUESTS MUST INCLUDE NOTIFICATION TO THE INSTALLER THAT PROTECTED TREES MUST BE AVOIDED. ALL TRENCHING SHALL OCCUR OUTSIDE OF THE PROTECTIVE FENCING.
- SWALES SHALL BE ROUTED TO AVOID THE AREA WITHIN THE DRIP LINES OF PROTECTED TREES.
- TREES LOCATED ON ADJACENT PROPERTIES THAT MAY BE AFFECTED BY CONSTRUCTION ACTIVITIES MUST BE PROTECTED.
- ROOT ZONES OF PROTECTED TREES SHOULD BE SURROUNDED WITH RIGIDLY STAKED FENCING.
- THE PARKING OF IDLE AND RUNNING EQUIPMENT SHALL BE PROHIBITED UNDER THE DRIP LINE OF PROTECTED TREES.
- ALL TREES TO BE REMOVED SHALL BE CUT AWAY FROM TREES TO REMAIN.
- THE GRUBBING OF UNDERSTORY VEGETATION WITHIN CONSTRUCTION AREAS SHOULD BE CLEARED BY CUTTING VEGETATION AT THE GROUND WITH A CHAIN SAW OR MINIMALLY WITH A HYDRO-AXE.
- THE CONTRACTOR IS RESPONSIBLE FOR THE REPLACEMENT PER ORDINANCE GUIDELINES, FOR THE DAMAGE OR REMOVAL OF ANY TREE DESIGNATED TO REMAIN.
- TREES TO BE REMOVED SHALL BE FIELD VERIFIED, EVALUATED AND FLAGGED FOR REMOVAL, BY THE LANDSCAPE ARCHITECT OR FORESTER, ONLY AS DIRECTED BY THE OWNER OR OWNERS REPRESENTATIVE.

**TREE PRESERVATION SUMMARY:**

TOTAL NUMBER OF TREES SURVEYED:	25
TOTAL NUMBER OF DEAD TREES:	0
TOTAL OFF-SITE TREES:	4
NET TREES ON-SITE:	21
TOTAL NUMBER OF TREES TO BE REMOVED:	21
TOTAL LANDMARK TREES TO BE REMOVED:	0
TOTAL TREES TO BE TRANSPLANTED:	0
TOTAL NUMBER OF TREES TO REMAIN:	0
TOTAL LANDMARK REPLACEMENT TREES:	0 TREES

**LEGEND:**

- TREES TO BE REMOVED
- TREES TO REMAIN
- TREE PROTECTION FENCING



ROCHESTER ROAD

PROPOSED MEDICAL OFFICE BUILDING  
7,616 S.F.

PROPOSED TRANSFORMER  
ON CONC PAD

PROPOSED GENERATOR  
ON CONC PAD

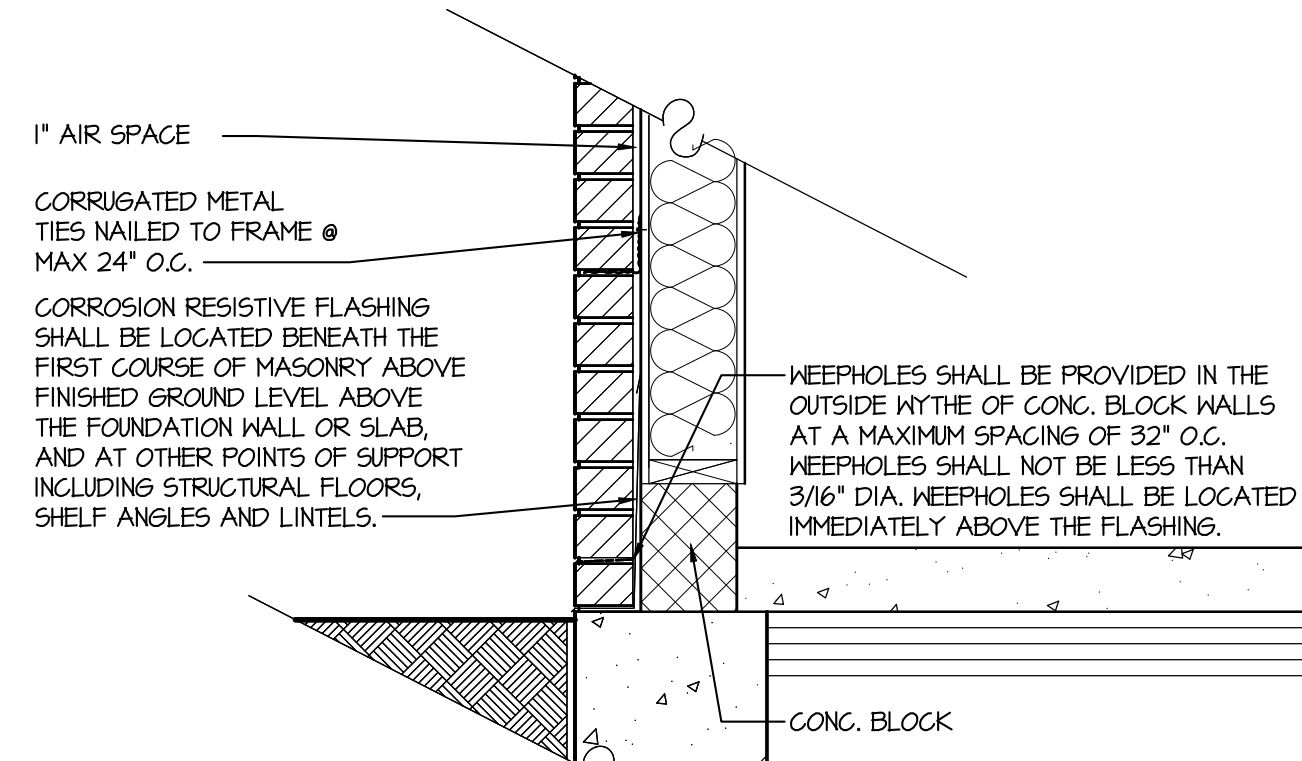
PROPOSED TRASH ENCLOSURE  
SEE ARCH DWGS FOR DETAIL

END SECTION - INV 673.66

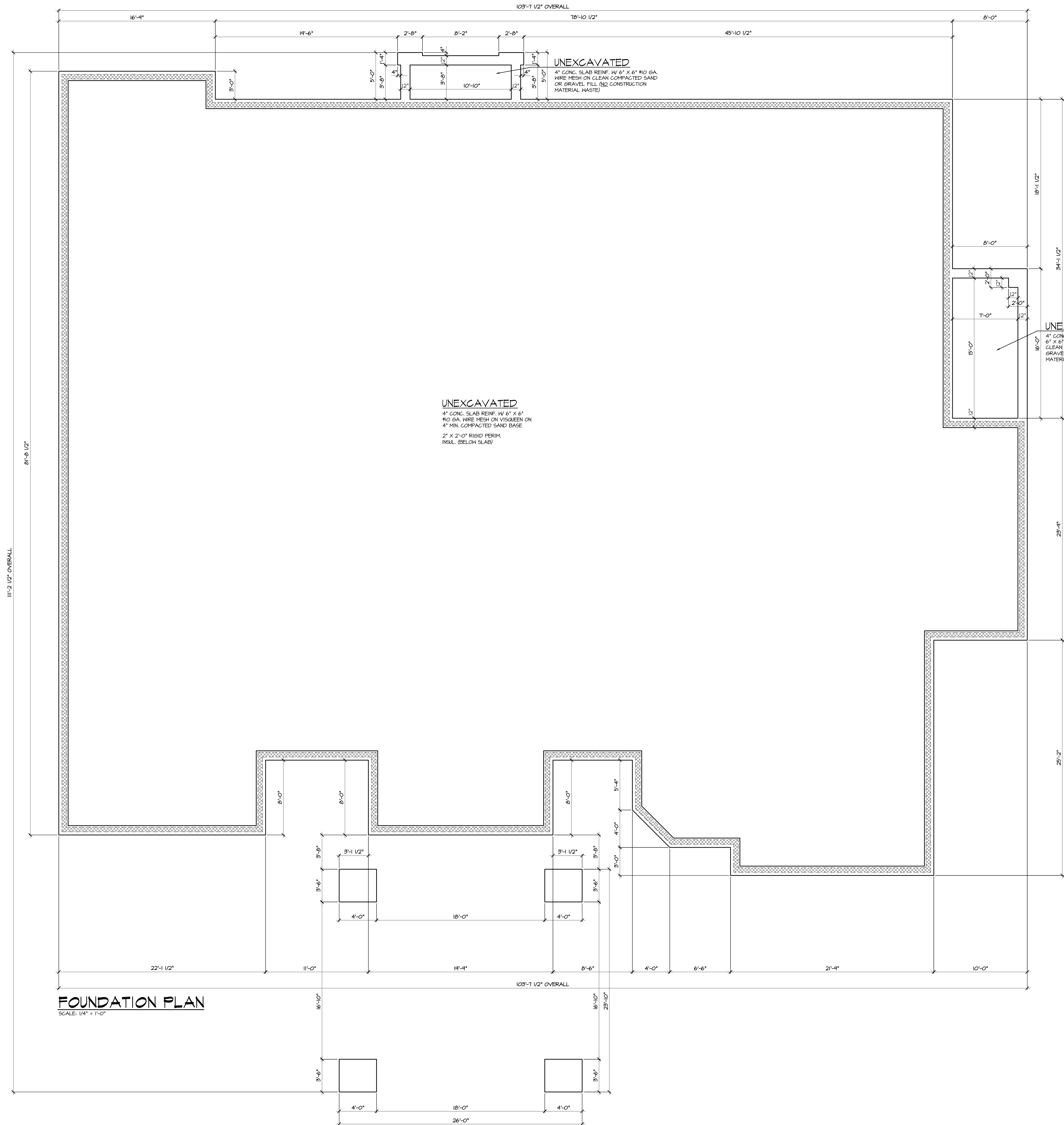
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**WEEP HOLE DETAIL**  
 SCALE: 1" = 1'-0"



**FOUNDATION PLAN**  
 SCALE: 1/4" = 1'-0"

ALL WINDOW NUMBERS REFER TO GENERIC SIZES (NO SPECIFIC MANUFACTURER)  
 EXAMPLE:  
 2040-2 = 2'-0" X 4'-0", 2-WIDE WINDOW UNIT

ALL DOOR NUMBERS REFER TO GENERIC SIZES (NO SPECIFIC MANUFACTURER)  
 EXAMPLE:  
 3080 = 3'-0" X 8'-0"

**NOTE:**  
 SEE STRUCTURAL SHEETS FOR ADDITIONAL NOTES AND DETAILS.

**LEGEND:**

- = POINT LOAD
- ▣ = LOAD BEARING WALLS
- = POINT LOAD FROM ABOVE
- ▤ = LOAD BEARING WALLS FROM ABOVE
- ▥ = INDICATES AREA OF RAISED CUR. IN TRUSS PROFILE

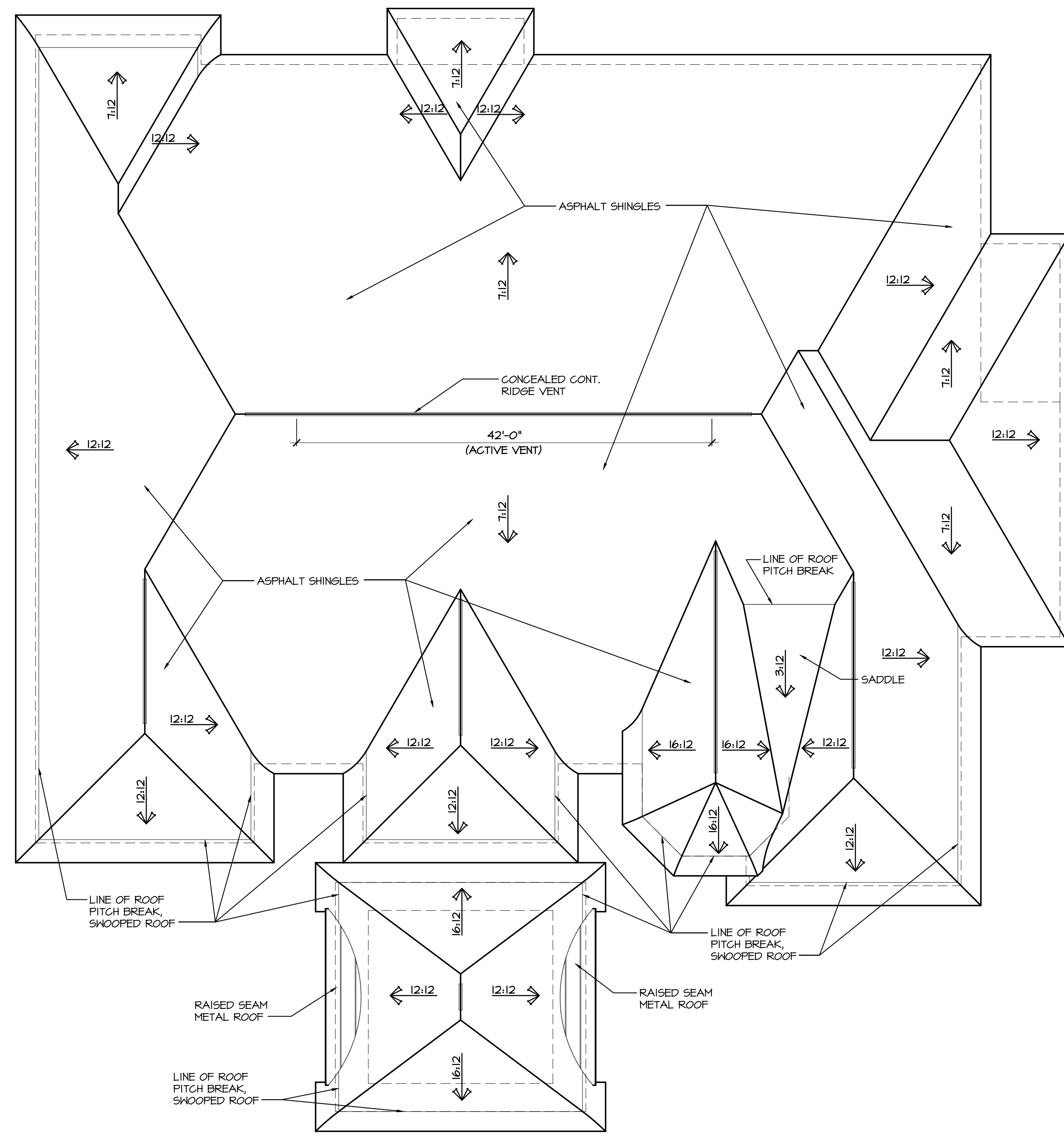
**MOCERI**  
 STRUCTURE · INTEGRITY · TRADITION

**DOMINICK TRINGALI**  
 ARCHITECTS  
 3005 University Suite 100  
 Auburn Hills MI 48306  
 Tel 248.340.9400  
 www.DTArchitects.com

MOCERI DEVELOPMENT  
 MEDICAL BUILDING  
 3800 REGISTER ROAD  
 TROY, MICHIGAN

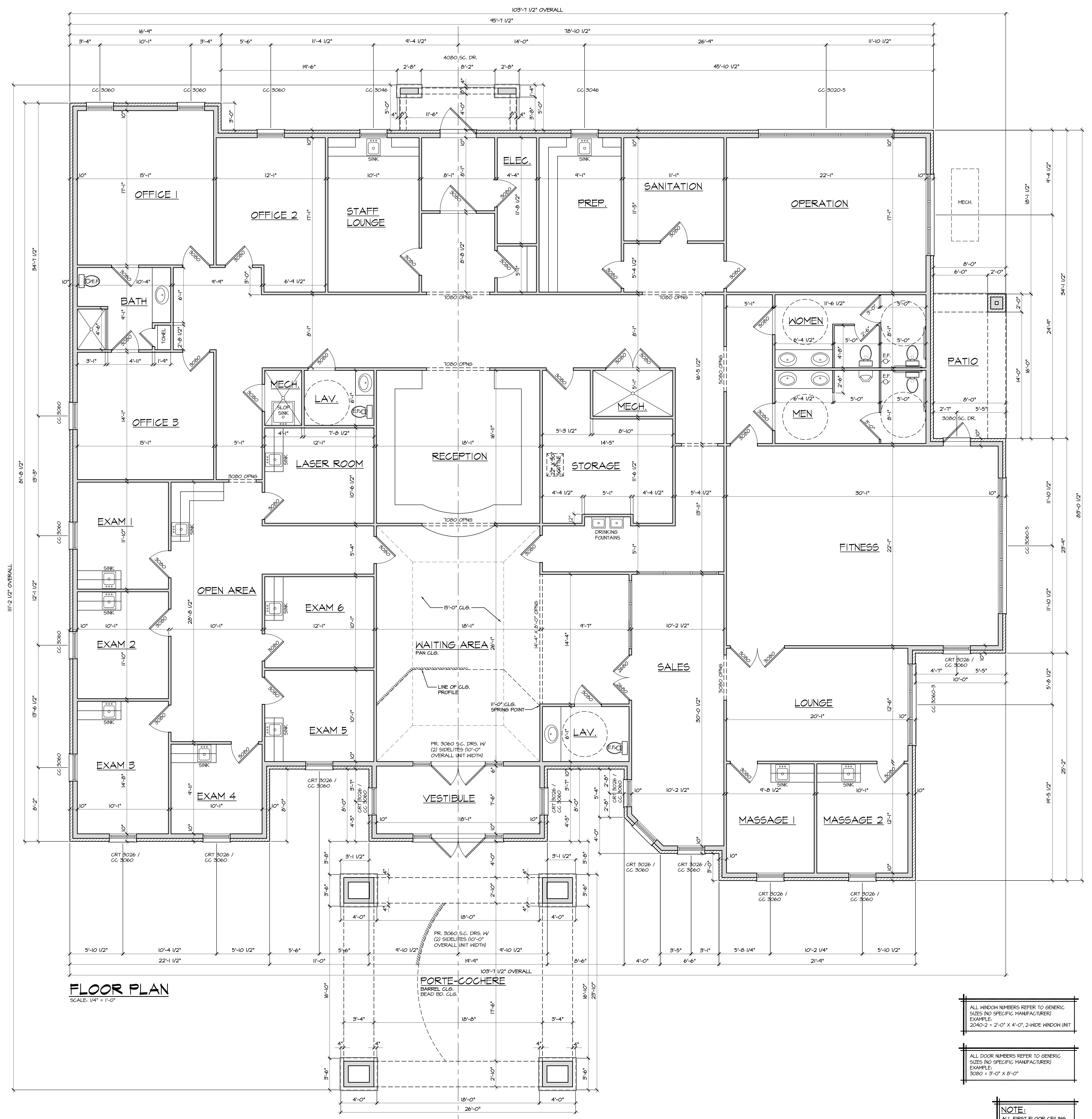
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 Title Set:  
 Revision:  
 11/22 PORTE COCHERE REVISION  
 Drawn: B.H.  
 Check: X.X.  
 Job No:  
**20093**  
 Sheet No:  
**1 OF 7**

LIFESTYLE BY DESIGN



**ROOF PLAN**  
SCALE: 1/8" = 1'-0"

ATTIC VENTILATION CALCULATION	
BUILDING ATTIC SPACE =	1655 SQ. FT. / 300 = 5516.67 SQ. FT. REQ'D
25.52 SQ. FT. X 484 SQ. IN. = 12374.96 TOTAL SQ. IN. REQ'D.	
3674.28 SQ. IN. X 50% = 1837.14 SQ. IN. REQ'D. IN BOTH SOFFIT AND UNDER ROOF.	
RIDGE VENT CALC =	344.28 SQ. IN. / 18 SQ. IN. = 19.13 LIN. FT. OF RIDGE REQ'D.
19 = TOTAL LIN. FT. RIDGE VENT PROVIDED (55% OVER)	
SOFFIT VENT CALC =	344.28 / 4 SQ. IN. = 86.07 LIN. FT. OF SOFFIT REQ'D.
86 = TOTAL LIN. FT. SOFFIT VENT PROVIDED (55% OVER)	
RIDGE VENT = 19 SQ. IN. / LIN. FT.	
SOFFIT VENT = 4 SQ. IN. / LIN. FT.	



**FLOOR PLAN**  
SCALE: 1/4" = 1'-0"

ALL WINDOW NUMBERS REFER TO GENERIC SIZES (NO SPECIFIC MANUFACTURER)  
EXAMPLE: 2040-2 = 2'-0" X 4'-0", 2-HIDE WINDOW UNIT

ALL DOOR NUMBERS REFER TO GENERIC SIZES (NO SPECIFIC MANUFACTURER)  
EXAMPLE: 3080 = 3'-0" X 8'-0"

**NOTE:**  
ALL FIRST FLOOR CEILING HEIGHTS TO BE 11'-0" HIGH UNLESS NOTED OTHERWISE.

**SQUARE FOOTAGE**  
FLOOR PLAN = 1666 SQUARE FEET



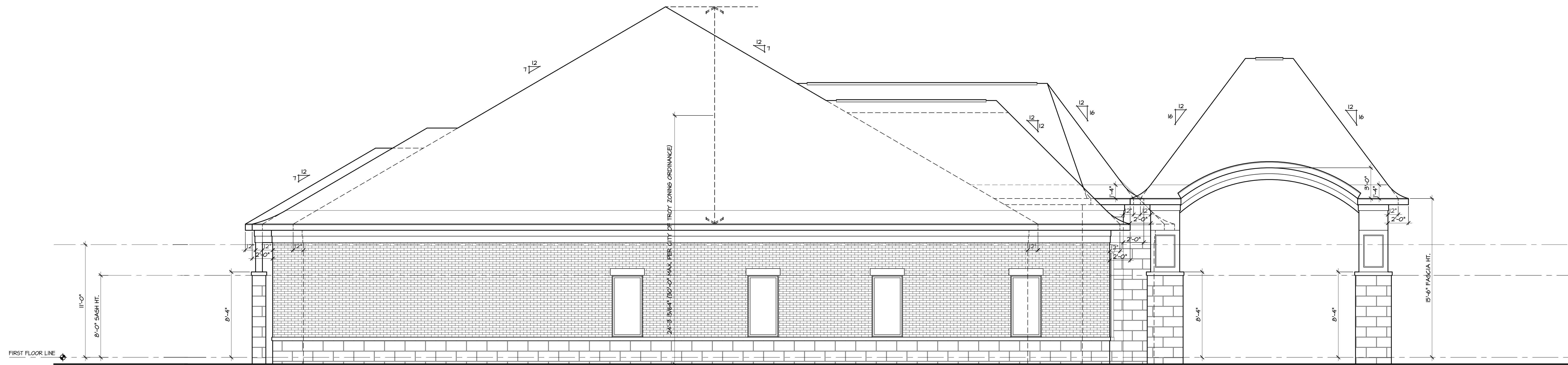
**DOMINICK TRINGALI ARCHITECTS**  
3005 UNIVERSITY SUITE 100  
AUBURN HILLS, MI 48326  
Tel 248.340.9400  
www.DTArchitects.com

MOCERI DEVELOPMENT  
MEDICAL BUILDING  
5500 ROSSITER ROAD  
TROY, MICHIGAN

Review Set: 11/29/12  
Final Set:  
Revisions:  
11/12/12 PORTE COCHERE REVISION

Drawn: B.H.  
Checked: X.X.  
Date:

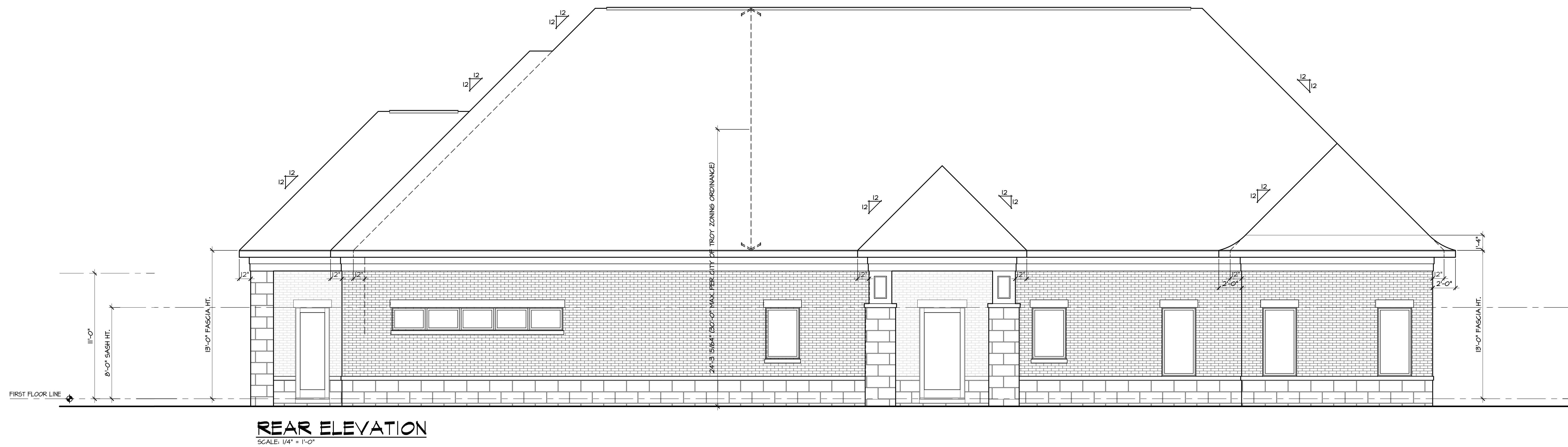
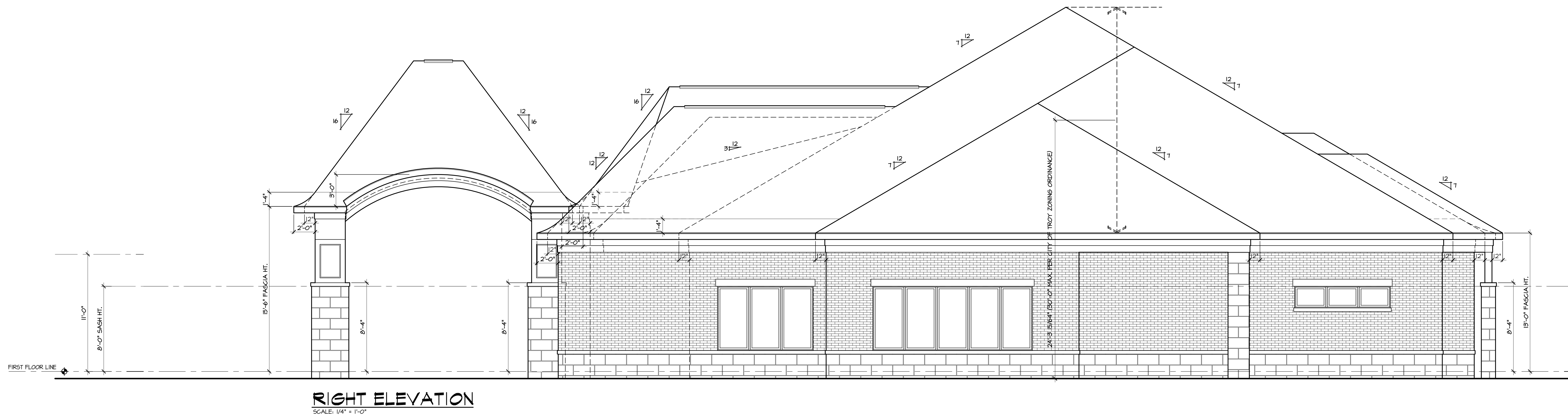
20093  
Sheet No: 2 OF 7



**LEFT ELEVATION**  
 SCALE: 1/4" = 1'-0"



**FRONT ELEVATION**  
 SCALE: 1/4" = 1'-0"







9-17-90

STATE OF MICHIGAN

IN THE CIRCUIT COURT FOR THE COUNTY OF OAKLAND

E.D.B., INC., a Michigan corporation  
RECEIVED FOR FILING  
OAKLAND COUNTY CLERK

Plaintiff,

'90 DEC 13 P4:16

v

Case No. 88-360890 CZ ✓

CITY OF TROY, a Michigan corporation,

Hon. Alice Gilbert

Defendant.

Michael J. Sugameli (P29287)  
Attorney for Plaintiff  
2833 Crooks Road - P.O. Box 2501  
Troy, MI 48007-2501  
(313) 649-2585

Jeannette A. Paskin (P18681)  
Patricia J. Battersby (P37780)  
Attorneys for Defendant  
155 W. Congress, Ste. 600  
Detroit, MI 48226  
(313) 964-2040

John J. Martin, III (P25888)  
Attorney for Defendant  
500 W. Big Beaver Road  
Troy, MI 48084  
(313) 524-3320

A TRUE COPY  
LYNN D. ALLEN  
Oakland County Clerk - Register of Deeds  
*Lynn D. Allen*  
Deputy

CONSENT JUDGMENT

At a session of said Court held in  
the Courthouse in the City of  
Pontiac, Oakland County, Michigan,  
on: \_\_\_\_\_ DEC 13 1990

PRESENT: HONORABLE ALICE GILBERT, CIRCUIT JUDGE

Plaintiff, E.D.B., Inc., and Defendant, City of Troy ("Troy"),  
have entered into negotiations to compromise and settle this

litigation and have stipulated and agreed upon the form and substance of this consent judgment to reflect their agreed upon settlement. This Court approves this judgment:

IT IS ORDERED:

1. After the date of this judgment, plaintiff's property depicted and legally described as Parcel "A" in the survey attached as Exhibit A may be developed, used, and occupied as an approved special use under the existing R-1C zoning classification as set forth in Article X, of Chapter 39, of the Troy City Code.

A. The special use permitted is by Recording for the Blind, a nonprofit, charitable organization. Any building on Parcel "A" may be used for the recording of educational materials by volunteers and general office space for Recording for the Blind. No sales of goods or services or subleasing of space shall be permitted.

B. The special use approved for Recording for the Blind is for educational purposes, and the schedule of regulations now applicable to schools, being Section 10.30.01 of Article X of the Troy Zoning Ordinance (Chapter 39), shall apply and control the use, development, and occupancy of the property depicted as Parcel "A". The requirement for a minimum site area of five acres is waived.

C. Upon cessation of the special use approved for Recording for the Blind, Parcel "A" shall be developed, used and occupied for the purposes set forth in Article

X (R-1C, one-family residential) of the Troy Zoning Ordinance (Chapter 39), a copy of which is attached as Exhibit C.

2. After the date of this judgment, the land depicted and legally described in Exhibit A as Parcel "B" and which has been added to this case by agreement of the parties shall be developed, used and occupied for the purposes now set forth in Article X (R-1C, one-family residential) of the Troy Zoning Ordinance (Chapter 39), a copy of which is attached as Exhibit C.

3. The use, development, and occupancy of Parcels "A" and "B" shall also be governed by Article X of Troy's Zoning Ordinance (Chapter 39); Article VI, Section 6.00 A-F (Parcel Splitting) of Troy's Subdivision Control Ordinance (Chapter 41); and Troy's Sign Ordinance (Chapter 78), without variance, as modified only by the provisions of this consent judgment.

4. Prior to or contemporaneous with entry of this consent judgment, plaintiff shall dedicate and convey by warranty deed to Troy, fee simple, lien-free title to the west 75 feet of Parcels "A" and "B" (legally described in Exhibit D) which runs along Rochester Road so that the Rochester Road public right-of-way will extend 75 feet east from the west line of Section 11.

5. Prior to or contemporaneous with entry of this consent judgment, plaintiff shall grant a permanent easement for a sidewalk and public utilities to Troy over Parcels "A" and "B" (legally described in Exhibit E) limited to the following area: 20 feet east of the Rochester Road right-of-way line after the conveyances

described in paragraph 4. The required setbacks for any buildings on Parcel "A" and "B" shall not be affected due to the proximity of the easement.

6. Troy's zoning classification of Parcels "A" and "B" described in this consent judgment as "R-1C" within the meaning of Chapter 39, Section 10.00.00, et seq. of the Troy City Code is constitutional and reasonable.

7. The provisions of this consent judgment shall be binding upon and inure to the benefit of the parties, those acting under their discretion and control, and their respective heirs, successors, assigns and transferees.

8. Any person bringing such action, shall reimburse the City of Troy for all costs incurred by Troy in defending any such action which may be brought hereafter by plaintiff, its successors, assigns, or third parties, seeking to set aside or vacate any portion of this consent judgment.

9. This Court shall retain jurisdiction of this case in order to effectuate the intent of this consent judgment, and to enforce compliance with the terms of this consent judgment, and to reconcile any differences of the parties that may arise in connection with the performance of this consent judgment.

10. Plaintiff, its partners, agents, heirs, successors, assigns and transferees, waives and discharges any and all claims that it or any of them have against Troy, its officials and employees, by reason of Troy's zoning classification of Parcels "A"

and "B" described in this judgment as "R-1C" within the meaning of Chapter 39, Section 10.00.00, et seq., of the Troy City Code.

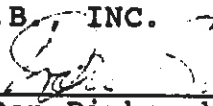
11. A certified copy of this consent judgment shall be recorded in the Oakland County Register of Deeds with regard to the real property described in this consent judgment, and the Register of Deeds will accept same for recordation.

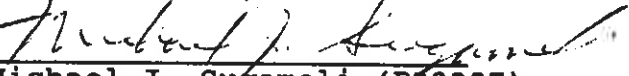
**ALICE L. GILBERT,**  




---

Circuit Court

Approved as to form and content:

E.D.B. INC.  
By:   
Don Binkowski, its President

By:   
Michael J. Sugameli (P29287)  
Attorney for Plaintiff  
2833 Crooks Rd. P.O. Box 2501  
Troy, MI 48007-2501  
(313) 649-2585

CITY OF TROY  
By:   
Richard E. Doyle, Mayor  
By:   
Kenneth Courtney, City Clerk  
By:   
John J. Martin, III (P25888)  
Attorney for Defendant  
500 W. Big Beaver Road  
Troy, MI 48084  
(313) 524-3320

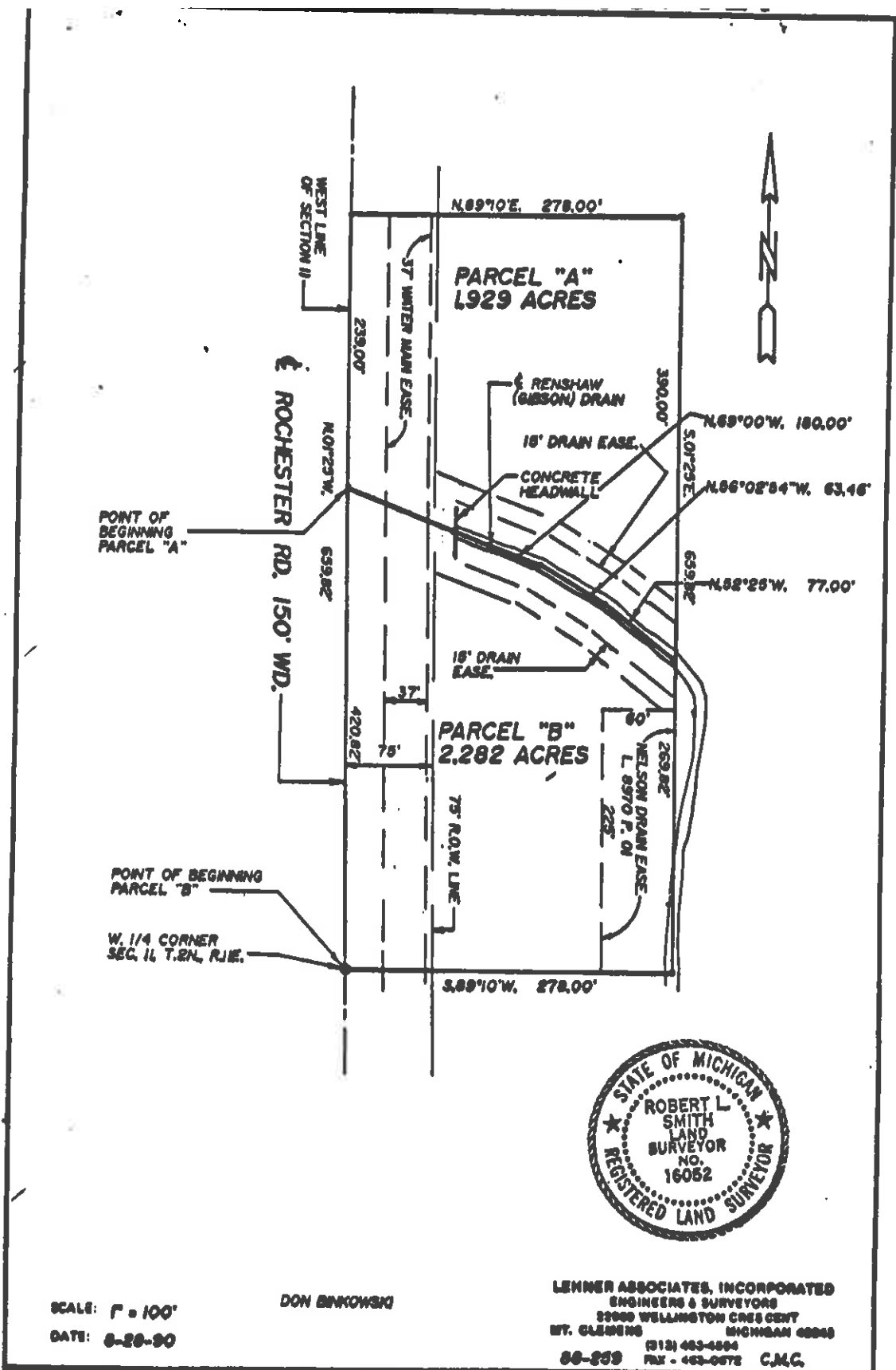


Exhibit A

DESCRIPTION OF PARCEL "A"  
(1.929 ACRES)

A parcel of land located in and being a part of the Northwest 1/4 of Section 11, T.2 N., R.11 E., City of Troy, Oakland County, Michigan and being more particularly described as follows:

Commencing at a point 420.82 ft. N.01°-25'W. from the West 1/4 corner of Section 11, and thence extending N.01°-25'W. 239.00 ft. along the West line of Section 11, also being the centerline of Rochester Road, thence N.89°-10'E. 278.00 ft., thence S.01°-25'E. 390.00 ft., thence along the centerline of the Renshaw (Gibson) Drain N.52°-25'W. 77.00 ft., N.56°-02'-54"W. 63.46 ft. and N.69°-00'W. 180.00 ft. to the point of beginning and containing 1.929 acres of land.

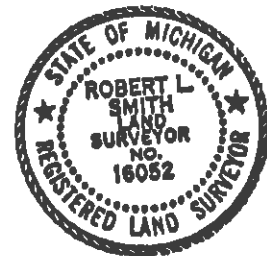
Reserving easements of record.

DESCRIPTION OF PARCEL "B"  
(2.282 ACRES)

A parcel of land located in and beng a part of the Northwest 1/4 of Section 11, T.2 N., R.11 E., City of Troy, Oakland County, Michigan and being more particularly described as follows:

Commencing at the West 1/4 corner of Section 11, and thence extending N.01°-25'W. 420.82 ft. along the West line of Section 11, also being the centerline of Rochester Road, thence along the centerline of the Renshaw (Gibson) Drain S.69°-00'E. 180.00 ft., S.56°-02'-54"E. 63.46 ft. and S.52°-25'E. 77.00 ft., thence leaving said drain centerline S.01°-25'E. 269.82 ft. thence S.89°-10'W. 278.00 ft. along the East/West 1/4 line of Section 11 to the point of beginning and containing 2.282 acres of land.

Reserving easements of record.



SCALE:  
DATE:

LEHNER ASSOCIATES, INCORPORATED  
ENGINEERS & SURVEYORS  
27000 WELLINGTON CRESCENT  
MT. CLEMENS MICHIGAN 48009  
(313) 463-4004  
FAX - 463-0678

Sheet 2 of 2

Exhibit B



Chapter 39 - Zoning Ordinance

10.00.00 **ARTICLE X ONE FAMILY RESIDENTIAL DISTRICTS**  
**R-1A THROUGH R-1E**

10.10.00 **INTENT:**

The R-1A through R-1E One Family Residential Districts are designed to be the most restrictive of the residential Districts as to use. The intent is to provide for environmentally sound areas of predominantly low-density, single family detached dwellings, through the varying of lot sizes and the development options which will accommodate a broad spectrum of house sizes and designs appealing to the widest spectrum of the population.

10.10.01 Persons seeking to rezone property to the Zoning District governed by this Article shall conform to the requirements of Section 03.20.00.

10.20.00 **PRINCIPAL USES PERMITTED:**

In a One Family Residential District (R-1A through R-1E) no building or land shall be used and no building shall be erected except for one or more of the following specified uses, unless otherwise provided in this Chapter.

10.20.01 One Family detached dwellings.

10.20.02 Agriculture on those parcels of land separately owned outside the boundaries of either a proprietary or supervisor's plat, having an area of not less than five (5) acres; all subject to the health and sanitation provisions of the Code of the City of Troy.

10.20.03 Publicly owned and operated libraries, parks, parkways and recreational facilities.

10.20.04 Cemeteries which lawfully occupied land at the time of adoption of Ordinance 23.

10.20.05 Temporary buildings and uses for construction purposes for a period not to exceed one (1) year.

10.20.06 Accessory buildings, subject to the controls of Section 40.55.00.

10.25.00 **USES PERMITTED SUBJECT TO SPECIAL CONDITIONS:**

The following uses shall be permitted in all R-1A through R-1E One-Family Detached Residential Districts, subject to the conditions hereinafter imposed for each use.

10.25.01 Home Occupations, as defined in Section 04.20.71, subject to the following conditions:

A) In order to insure compatibility of the subject residential parcel with the surrounding residential area, to maintain the residential character of the area, and to avoid reduction of property values, the following activities or uses shall be prohibited in conjunction with Home Occupations:

1. Signs relating to any occupation or business.

## Chapter 39 - Zoning Ordinance

2. Accessory buildings devoted primarily to the subject Home Occupation or Business.
3. Off-street parking area greater than that amount maintained by neighboring dwellings within three hundred (300) feet of the subject site.
4. Outside storage or display of any items related to the subject Home Occupation or Business, and thus not normally incident to a one-family dwelling.
5. Vehicular Traffic characterized by pick-up or delivery of materials, supplies or products, in excess of that normally incident to a one-family dwelling.

10.25.02 Family Day Care Homes, as defined in Section 04.20.60, subject to the following conditions:

- A) The number of children so cared for who are not a part of the family residing in the subject dwelling unit shall not exceed six (6).
- B) For each child on the premises a minimum of four hundred (400) square feet of outdoor play area shall be provided, in the rear or side yards of the subject dwelling unit.
- C) The conditions applicable to Home Occupations, as defined in Section 04.20.71 and as listed in Section 10.25.01 shall also apply to Family Day Care Homes.
- D) The resident-operator of the Family Day Care Home shall be licensed in accordance with applicable State Law.

10.25.03 Adult Foster Care Facilities, as defined by Section 400.702 (4) of Act 218, of 1979 of the State of Michigan, as provided for by said Act and to the extent exempted from local regulation by Section 400.733 (Sec. 33) thereof, and by Section 3 (b) of Act 207 of 1921 as amended (the Zoning Enabling Act).

10.30.00 USES PERMITTED SUBJECT TO SPECIAL USE APPROVAL

The following uses may be permitted in R-1A through R-1E, One Family Residential Districts, subject to the conditions hereinafter imposed for each use; and also subject to the review and approval of the use by the Plan Commission. Before approving any such uses, the Plan Commission shall find that:

- A) The land use or activity being proposed shall be of such location, size and character as to be compatible with the orderly development of the Zoning District in which it is situated, and shall not be detrimental to the orderly development, property values, environment or use of adjacent land and/or Districts.

## Chapter 39 - Zoning Ordinance

- B) The land use or activity under consideration is within the capacity limitations of the existing or proposed public services and facilities which serves its location.

Plan Commission approval of the Site Plan for such uses is also required. Site Plans for the expansion of such uses, which also involve the expansion of off-street parking and driveway facilities, shall also be subject to the approval of the Plan Commission.

10.30.01 Persons seeking Special Use Approval for specified uses governed by this Article shall conform to the requirements of Section 03.30.00.

10.30.02 Schools:

- (A) Public, parochial and other private elementary, intermediate (including junior high and middle) and/or high schools offering courses in general education, including those under the control of the State Superintendent of Education and those which are non-profit corporations in accordance with State Law, subject to the following conditions:

- (1) Private and parochial schools shall be located so as to have at least one (1) property line abutting a Major Thoroughfare or Secondary Thoroughfare, as indicated on the Master Thoroughfare Plan. The frontage on such a thoroughfare shall be at least equal to the minimum frontage required by the applicable Zoning District.
- (2) Sites for such facilities shall have a minimum area of at least five (5) acres, or one (1) acre for each 50 students permitted within the capacity of the proposed establishment, whichever is greater.
- (3) The front side and rear yard setbacks shall be a minimum of fifty (50) feet.
- (4) Parking shall not be permitted in the required yards adjacent to any public street, and said yards shall be maintained as landscaped open space.
- (5) Buildings or building elements of greater than the maximum height allowed in Article XXX, "Schedule of Regulations", may be allowed, provided that the yard setbacks from property lines for such building elements are increased one (1) foot for each foot of building height which exceeds maximum height allowed. These setback requirements shall apply to building elements and elements of building expansions wherein construction is initiated after January 1, 1990. School structures existing prior to January 1, 1990 are exempt from height requirements delineated in Article XXX, "Schedule of Regulations".

5/14/90

Chapter 39 - Zoning Ordinance

5/14/90

- (6) All structures, appurtenances, and fixtures related to outdoor recreational purposes shall be located a minimum of 200 feet from any residentially-zoned property line.

10.30.03

Child Care Centers, Nursery Schools or Day Nurseries (not including dormitories, subject to the following conditions:

- A) That for each child so maintained or cared for, there shall be provided and maintained a minimum of one hundred fifty (150) square feet of outdoor play area. Such play area shall have a total minimum area of not less than five thousand (5000) square feet and shall be visually screened from any adjoining lot in any residential District, in a manner acceptable to the Plan Commission.
- B) Such uses shall not be permitted in the interior of any residential block. Such uses shall be located adjacent to a multiple family residential, office or commercial District, or within a previously established church complex.
- C) Such uses shall, as transitional uses between non-residential and residential development, be so designed architecturally as to reflect the predominant architectural character of the residential District within which they are located.

10.30.04

Churches and other facilities normally incidental thereto, subject to the following conditions:

- (A) Building of greater than the maximum height allowed in Article XXX, "Schedule of Regulations", may be allowed provided that the front, side and rear yards are increased one (1) foot for each foot of building height which exceeds the maximum height allowed.
- (B) Front, side and rear yard setbacks shall be a minimum of fifty (50) feet.
- (C) The site shall be so located as to have at least one (1) property line abutting a Major Thoroughfare of not less than one hundred twenty (120) feet of right-of-way width, existing or proposed, and all ingress and egress to the site shall be directly onto such major thoroughfare or a marginal access service drive thereof, with the following exceptions:
  - (1) The Plan Commission may permit access drives to streets or thoroughfares other than Major Thoroughfares, in those instances where they determine that such access would improve the traffic safety characteristics in the area of the site, while not negatively impacting adjacent residential properties.
- (D) One or more of the following locational criteria may be considered by the Plan Commission as a basis for approval or denial of proposals for church development:

## Chapter 39 - Zoning Ordinance

- (1) Location at the intersection of two (2) Major Thoroughfares, each of which has a right-of-way width of at least one hundred twenty (120) feet (existing or proposed).
- (2) Location abutting a Freeway right-of-way.
- (3) Location involving a total Major Thoroughfare frontage block (extending between two intersecting local streets).
- (4) Location where the site has at least one (1) property line, apart from its Major Thoroughfare frontage, in common with land which is developed, zoned, or otherwise committed for use other than the construction of One-Family Residential dwellings.

These criteria are intended, in part, to assure that the location of a church will not negatively impact the potential for the logical extension of single-family residential development in the adjacent area.

- (E) Parking shall not be permitted in the required yards adjacent to any public street, and said yards shall be maintained as landscaped open space.
- (F) Whenever the off-street parking is adjacent to land zoned for residential purposes, a continuous obscuring wall, four (4) feet six (6) inches in height, shall be provided along the sides of the parking area adjacent to the residentially zoned land. The wall shall be subject to the provisions of Article XXXIX, Environmental Provisions.
- (G) Whenever facilities such as community halls, fellowship or social halls, recreation facilities and other similar uses are proposed as incidental to the principal church or worship facility use, such secondary facilities shall not be constructed or occupied in advance of the sanctuary or principal worship area of the church complex.
  - 1) The seating capacity of such incidental use areas shall not exceed that of the sanctuary or principal worship area of the church complex.
  - 2) Parking shall be provided for such incidental use areas at 1/2 the rate of that required for the sanctuary or principal worship area, and shall be in addition to the parking required for the principal worship area.
  - 3) Such incidental facilities must be used for church, worship, or religious education purposes, in a manner which is consistent with residential zoning and compatible with adjacent residential property. They shall not be used, leased or rented for commercial purposes.

10.30.05

Golf courses, which may or may not be operated for profit, subject to the following conditions:

## Chapter 39 - Zoning Ordinance

- (A) The site shall be so planned as to provide all ingress and egress directly onto or from a major thoroughfare of not less than one hundred twenty (120) feet of right-of-way width, either existing or proposed.
- (B) The site plan shall be laid out to achieve a relationship between the major thoroughfare and any proposed service roads, entrances, driveways, and parking areas which will encourage pedestrian and vehicular traffic safety.
- (C) Development features including the principal and accessory buildings and structures shall be so located and related as to minimize the possibilities of any adverse effects upon adjacent property. This shall mean that all principal or accessory buildings shall be not less than two hundred (200) feet from any property line of abutting residentially zoned lands; provided that where topographic conditions are such that buildings would be screened from view, the Plan Commission may modify this requirement.
- (D) The minimum number of off-street parking spaces to be provided shall be six (6) spaces per hole plus one space per employee plus spaces as required under Article XL, General Provisions, for each accessory use, such as a restaurant or bar.
- (E) Whenever a swimming pool is to be provided, said pool shall be provided with a protective fence six (6) feet in height, and entry shall be by means of a controlled gate.

10.30.06

Swimming pool clubs when incorporated as a non-profit club or organization maintaining and operating a swimming pool with a specified limitation of members, either by subdivision or other specified areas within the City of Troy, for the exclusive use of the members and their guests, all subject to the following conditions:

- (A) As a condition to the original granting of such a permit and the operation of such a non-profit swimming pool club, as a part of said application, the applicant shall obtain written approval from eighty five (85) percent of the property owners immediately abutting or sharing common property lines with the proposed site, and written approval of seventy five (75) percent of the property owners within 500 feet of such a site. These written approvals shall be submitted to the Plan Commission and the City Council for their review. These provisions shall not apply in the case of park or recreation areas expressly provided for on current recorded subdivision plats of which the subject property is a part, or specifically provided for in legal agreements or documents recorded in relation to such subdivisions.
- (B) Such a private non-profit swimming pool club shall be limited in its service area and membership location to a single square mile Section of the City of Troy, except where the Plan Commission shall find that the logical boundaries of the neighborhood to be served extend beyond a specified Section.

## Chapter 39 - Zoning Ordinance

- (C) Front, side and rear yards shall be at least eighty (80) feet wide, except on those sides adjacent to non-residential Districts. Such yards adjacent to residential Districts shall be kept free of off-street parking, shall be landscaped in trees, shrubs, grass and terrace areas, and shall contain berms in order to screen the use from the abutting residential Districts. Such yards may further contain required entrance drives and those walls and/or fences used to obscure the use from abutting residential Districts. All landscaping shall be maintained in a healthy condition.
- (D) All lighting shall be shielded to reduce glare and shall be so arranged and maintained as to direct the light away from all residential lands which adjoin the site.
- (E) Whenever off-street parking areas are adjacent to land zoned for residential purposes, a wall (4'-6"), shall be provided along the sides of the parking area adjacent to such residential land, and said wall shall be subject to the requirements of Section 39.10.00 Article XXXIX, Environmental Provisions. Such walls may be placed at locations other than on the property lines of the site.
- (F) Whenever a swimming pool is constructed under this Section, said pool area and pool deck shall be provided with a protective fence, six (6) feet in height, and entry shall be provided by means of a controlled gate.
- (G) Off-street parking shall be provided so as to accommodate not less than one-half (1/2) of the member families and/or individual members. The Plan Commission may modify this requirement when it is determined that the location and function of such uses are such that a substantial portion of the users will originate from the immediately adjacent areas and will have access to the site by means other than automobile travel. In no instance, however, shall the off-street parking facilities accommodate less than one third (1/3) of the member families and/or individual members. Prior to the issuance of a building permit, by-laws of the organization shall be provided in order to establish the membership involved for computing the off-street parking requirements. Off-street parking areas shall be subject further to the provisions of Article XL, General Provisions.

10.30.07

Private non-commercial recreational areas; institutional or community recreation centers, subject to the following conditions:

- (A) Any use permitted herein shall not be permitted on a lot or group of lots of record, except in those instances wherein the applicant shall obtain written approval from seventy five (75) percent of the property owners immediately abutting or sharing common property lines with the proposed site, and written approval of fifty one (51) percent of the property owners within 300 feet of such a site. These written approvals shall be submitted to the Plan Commission and the City Council for their review. These provisions shall not apply in the case of park or recreation areas expressly provided for on the current recorded subdivision plat of which the subject property is a

## Chapter 39 - Zoning Ordinance

part, or specifically provided for in the legal agreements or documents recorded in relation to such subdivisions.

- (B) The proposed site for any of the uses permitted herein which would attract persons from, or are intended to serve, areas beyond the Section within which the site is located shall have at least one property line abutting a major thoroughfare of not less than 120 feet of right-of-way width, existing or proposed, and the site shall be so planned as to provide all egress and ingress directly onto or from said major thoroughfare.
- (C) Front, side and rear yards shall be at least eighty (80) feet wide, except on those sides adjacent to non-residential Districts. The first fifty (50) feet of such yards adjacent to residential Districts shall be kept free of off-street parking, shall be landscaped in trees, shrubs, grass and terrace areas, and may contain required entrance drives and those walls and/or fences used to obscure the use from abutting residential Districts. All landscaping shall be maintained in a healthy condition.
- (D) All lighting shall be shielded to reduce glare and shall be so arranged and maintained as to direct the light away from all residential lands which adjoin the site.
- (E) Whenever off-street parking areas are adjacent to land zoned for residential purposes, a wall four feet six inches (4'-6") in height shall be provided along the sides of the parking area adjacent to such residential land, and said wall shall be subject further to the requirements of Section 39.10.00 Article XXXIX, "Environmental Provisions". Such walls may be placed at locations other than on the property lines of the site.
- (F) Off-street parking shall be provided so as to accommodate not less than one half (1/2) of the member families and/or individual members. The Plan Commission may modify this requirement when it is determined that the location and function of such uses are such that a substantial portion of the users will originate from the immediately adjacent areas and will have access to the site by means other than the automobile. In no instance, however, shall off-street parking facilities accommodate less than one third (1/3) of the member families and/or individual members. Prior to the issuance of a building permit, by-laws of the organization shall be provided in order to establish the membership involved for computing the off-street parking requirements. In those cases wherein the proposed use or organization does not have by-laws or formal membership, the off-street parking requirements shall be determined by the Plan Commission on the basis of usage. Off-street parking areas shall be subject further to the requirements of Article XL, "General Provisions".

10.30.08

Utility and public service buildings and uses (without storage yards) when, in the opinion of the Plan Commission, said buildings and uses:



## Chapter 39 - Zoning Ordinance

- (A) Maintain the residential character of the area, and,
- (B) Are located so as not to hinder the natural or presumed development of the area, or detract from the value of existing development; and,
- (C) Do not constitute a safety or health hazard, a nuisance, or have a noxious effect on the surrounding residential area either due to appearance or operations; and,
- (D) Operating requirements necessitate the location of such uses and buildings within the District to serve the immediate vicinity.

Such buildings and uses shall be developed according to the following standards:

- (1) The site shall have one property line abutting a thoroughfare of at least eighty-six (86) feet of right-of-way width, existing or proposed, and all ingress and egress shall be from said thoroughfare.
- (2) All proposed uses and facilities shall be contained within masonry buildings and structures similar to or compatible with buildings in the adjacent residential areas.
- (3) Said structures and uses shall be located no closer than eighty (80) feet from any property line abutting a public right-of-way or other residentially zoned land.
- (4) A landscaped berm at least five (5) feet in height shall be required in all yards abutting residential Districts and/or public rights-of-way. Said berms shall be landscaped with a minimum of a double row, six (6) feet apart, of evergreens, typically four (4) feet on center, staggered two feet apart on center. All required yards shall be further landscaped in grass as a minimum. The nature of other screening, fencing, etc., in addition to the aforementioned berms, shall be subject to the approval of the Plan Commission.
- (5) Overhead transmission lines and tower structures are expressly prohibited from such sites. All lines serving such sites shall be underground.

Nothing in these regulations shall be construed to prevent the construction, installation and operation of necessary utility and public service buildings and uses within the residential Districts. These provisions are not, however, intended to include power generating facilities, bulk power and fuel stations, or other large scale facilities which, by their nature and service area, could reasonably be located in non-residential Districts.

10.50.00 DEVELOPMENT STANDARDS

## Chapter 39 - Zoning Ordinance

- 50.01 See Article XXX, Schedule of Regulations, for limitations as to height and bulk of buildings, yard setbacks, and lot sizes per District.
- 10.50.02 See Article XXXIV, Residential Development Options, for development approaches involving varying lot size standards.
- 10.50.03 See Chapter 41 (Subdivision Control Ordinance) of the Troy Ordinance Code for requirements as to the platting of subdivisions.
- 10.50.04 See Section 40.20.00 for parking requirements.
- 10.50.05 See Section 39.95.00 for the standards and regulations applicable to construction of buildings and uses in this District when the site falls within a designated Flood Hazard Area.
- 10.60.00 ENVIRONMENTAL STANDARDS:
- 10.60.01 A Preliminary Environmental Impact Statement, according to the provisions of Article VII of this Chapter, shall be submitted as a part of an application for Tentative Approval of Preliminary Plats for Subdivisions involving twenty five (25) lots or more. This requirement shall also apply to subdivisions which are processed in successive parts which will total twenty five (25) lots or more.
- 10.60.02 STANDARDS:  
In order to maintain the physical and economic stability of one family residential areas, the following standards shall apply:
- 10.60.03 SETBACKS FROM MAJOR THOROUGHFARES:  
Whenever a lot or acreage parcel abuts a major thoroughfare of at least 120 feet of right-of-way width, existing or proposed, the yard setback abutting said major thoroughfare shall be a minimum of fifty feet. This requirement shall not apply to subdivisions for which Tentative Approval was granted prior to January 1, 1976.
- 10.60.04 VARIATION IN APPEARANCE:  
In any one family residential District, there shall be variation in the appearance of the one family detached residential dwellings, according to the following standard:  
  
A dwelling's front elevation shall not re-occur in the same or a substantially similar structural form on another dwelling, within the same street frontage, without there being at least one other dwelling with a different elevation between the dwellings that repeat the frontage elevation.  
  
Different colors alone will not constitute different front elevations.  
  
The Section shall not apply to any dwelling for which a building permit was issued before June 2, 1983.
- 70.00 AREA AND BULK REQUIREMENTS:  
See Article XXX, Schedule of Regulations.

STATE OF MICHIGAN }  
COUNTY OF OAKLAND } SS.

STATE OF MICHIGAN County Clerk for the County of Oakland,  
Clerk of the Circuit Court thereof, the same being a  
IN THE CIRCUIT COURT FOR THE COUNTY OF OAKLAND  
I, \_\_\_\_\_, Clerk, hereby certify that  
the attached is a true copy.

E.D.B., INC., a Michigan corporation, and BLACK FOREST BUILDING COMPANY, a Michigan corporation, In Testimony whereof, I have hereunto set my hand and placed the Seal of said Court this \_\_\_\_\_  
LYNN D. ALLEN, Clerk - Register of Deeds

JUL 17 1997

By: [Signature] Deputy Clerk  
Plaintiffs,

v

CITY OF TROY, a Michigan corporation,

Case No. 88-360890 CZ

Hon. Alice Gilbert

Defendant.

9662  
LIBER 9305 PAGE 281  
01/18/2000 08:55:12 A.M.  
MACOMB COUNTY, MI  
CARMELLA SABAUGH, REG/DEEDS

George M. Malis (P32418)  
Attorney for Plaintiff, E.D.B., Inc.  
2833 Crooks Road - P.O. Box 2501  
Troy, MI 48007-2501  
(313) 649-2585

DEPUTY  
92  
RECEIVED  
MICHIGAN  
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LIBER 21745 PAGE 341  
\$53.00 MISC RECORDING  
\$2.00 REMUNERATION  
08/25/2000 11:30:50 A.M. RECEIPT# 61489  
PAID  
RECORDED - OAKLAND COUNTY  
S. WILLIAM CADWELL, CLERK/REGISTER OF DEEDS  
9:15

John J. Martin, III (P25888)  
Attorney for Defendant  
500 W. Big Beaver Road  
Troy, MI 48084  
(313) 524-3320

FIRST AMENDED AND RESTATED CONSENT JUDGMENT

At a session of said Court held in  
the Courthouse in the City of  
Pontiac, Oakland County, Michigan,  
on: JUN 23 1992

PRESENT: HONORABLE: RICHARD D. KUHN, CIRCUIT JUDGE

The parties have agreed to amend and restate the Consent Judgment entered by this Court on December 13, 1990. This First Amended and Restated Consent Judgment (the "Judgment") shall replace the Consent Judgment.

OK-G.K.

LAWYERS TITLE INS. CORP.



197-23428  
JWB

Plaintiff, E.D.B., Inc., and Defendant, City of Troy ("Troy"), have entered into negotiations to compromise and settle this litigation and have stipulated and agreed upon the form and substance of the Judgment to reflect their agreed upon settlement. This Court approves the Judgment:

IT IS ORDERED:

1. After the date of the Judgment, plaintiff's property depicted and legally described as Parcel "A" in the survey attached as Exhibit A may be developed, used, and occupied as an approved special use under the existing R-1C zoning classification as set forth in Article X, of Chapter 39, of the Troy City Code.

A. The special use permitted is by Recording for the Blind, a nonprofit, charitable organization. Any building on Parcel "A" may be used for the recording of educational materials by volunteers and general office space for Recording for the Blind. No sales of goods or services or subleasing of space shall be permitted.

B. The special use approved for Recording for the Blind is for educational purposes, and the schedule of regulations attached as Exhibit B now applicable to schools, being Section 10.30.02 of Article X of the Troy Zoning Ordinance (Chapter 39), shall apply and control the use, development, and occupancy of the property depicted as Parcel "A". The requirement for a minimum site area of five acres is waived.

C. Upon cessation of the special use approved for Recording for the Blind, Parcel "A" shall be developed, used and occupied for the purposes set forth in Article X (R-1C, one-family residential) of the Troy Zoning Ordinance (Chapter 39), a copy of which is attached as Exhibit C.

2. After the date of the Judgment, the land depicted and legally described in Exhibit A as Parcel "B" and which has been added to this case by agreement of the parties may be developed, used and occupied as an approved special use under the existing R-1C zoning classification as set forth in Article X (R-1C, one-family residential) of the Troy Zoning Ordinance (Chapter 39). (Exhibit C). The following modifications and land use regulations apply.

A. The special use permitted is by Black Forest Building Company (which has been added as a party plaintiff by agreement of the parties), and its assignees, for a child care center as regulated by Article X, Section 10.30.03 of Chapter 39, of the Troy City Code. No sales of goods or services or subleasing of space shall be permitted.

B. The building to be constructed on Parcel B shall conform to the Site Plan, attached as Exhibit D, and which has been approved by Troy City Council. No variances from the Site Plan shall be sought by plaintiffs, their successors and assigns.

C. No fill shall be placed upon the site east or north of the building depicted in the Site Plan unless plaintiffs or their assignees have obtained permits from the Michigan Department of Natural Resources granted under the provisions of the State of Michigan Flood Plain Act (PA 245 of 1929, as amended), and the City of Troy.

3. The use, development, and occupancy of Parcels "A" and "B" shall also be governed by Article X of Troy's Zoning Ordinance (Chapter 39); Article VI, Section 6.00 A-F (Parcel Splitting) of Troy's Subdivision Control Ordinance (Chapter 41); and Troy's Sign Ordinance (Chapter 78), without variance, as modified only by the provisions of the Judgment.

4. Prior to or contemporaneous with entry of the Judgment, plaintiff, E.D.B., Inc., shall dedicate and convey by warranty deed to Troy, fee simple, lien-free title to the west 75 feet of Parcels "A" and "B" which runs along Rochester Road so that the Rochester Road public right-of-way will extend 75 feet east from the west line of Section 11.

5. Prior to or contemporaneous with entry of the Judgment, plaintiff, E.D.B., Inc., shall grant a permanent easement for a sidewalk and public utilities to Troy over Parcels "A" and "B" limited to the following area: 20 feet east of the Rochester Road right-of-way line after the conveyances described in paragraph 4. The required setbacks for any buildings on Parcel "A" and "B" shall not be affected due to the proximity of the easement.

6. Troy's zoning classification of Parcels "A" and "B" described in the Judgment as "R-1C" within the meaning of Chapter 39, Section 10.00.00, et seq. of the Troy City Code is constitutional and reasonable.

7. The provisions of the Judgment shall be binding upon and inure to the benefit of the parties, those acting under their discretion and control, and their respective heirs, successors, assigns and transferees.

8. Plaintiffs, their successors and assigns, shall reimburse Troy for all costs incurred by Troy in defending any action which may be brought hereafter by plaintiffs, their successors, assigns, or third parties, seeking to set aside or vacate any portion of the Judgment.

9. This Court shall retain jurisdiction of this case in order to effectuate the intent of the Judgment, and to enforce compliance with the terms of the Judgment, and to reconcile any differences of the parties that may arise in connection with the performance of the Judgment.

10. Plaintiffs, their partners, agents, heirs, successors, assigns and transferees, waive and discharge any and all claims that they or any of them have against Troy, its officials and employees, by reason of Troy's zoning classification of Parcels "A" and "B" described in this judgment as "R-1C" within the meaning of Chapter 39, Section 10.00.00, et seq., of the Troy City Code.

11. A certified copy of the Judgment shall be recorded in the Oakland County Register of Deeds with regard to the real property

described in the Judgment, and the Register of Deeds will accept same for recordation. Plaintiffs shall pay the cost of recording the Judgment.

*Richard Doyle*  
Circuit Court

*OK per [signature]*

Approved as to form and content:

Plaintiff:

E.D.B., INC.

By: *Don Binkowski*  
Don Binkowski, its President

By: *George M. Malis*  
George M. Malis (P32418)  
Attorney for Plaintiff

Plaintiff:

BLACK FOREST BUILDING COMPANY,  
a Michigan corporation

By: *Anthony J. Bellomo*  
Anthony Bellomo  
Its President

CITY OF TROY

By: *Richard E. Doyle*  
Richard E. Doyle, Mayor

By: *Kenneth Courtney*  
Kenneth Courtney, City Clerk

By: *John J. Martin, III*  
John J. Martin, III (P25888)  
Attorney for Defendant  
500 W. Big Beaver Road  
Troy, MI 48084  
(313) 524-3320

Defendant:

CITY OF TROY, a Michigan corporation

By: *Richard E. Doyle*  
Richard E. Doyle, Mayor

By: *Kenneth L. Courtney*  
Kenneth L. Courtney  
City Clerk

By: *John J. Martin, III*  
John J. Martin, III (P25888)

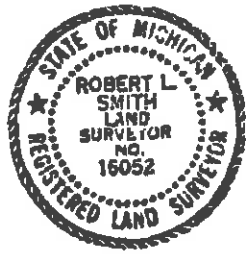
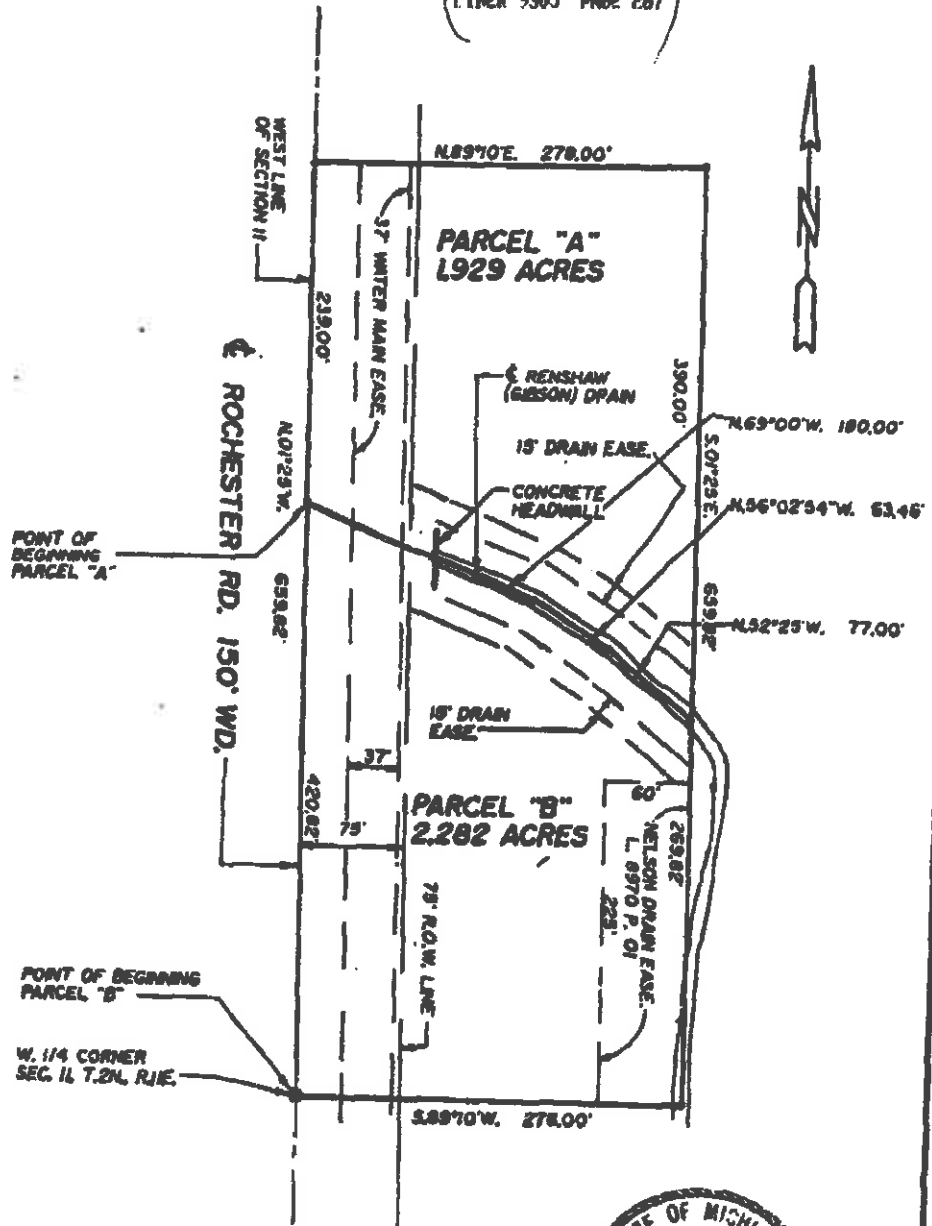
RETURN TO  
DAVE NOWLEN  
LON AMERICA  
3636 NORTH CENTRAL AVE  
SUITE 350  
PHOENIX, AZ, 85018



# CERTIFICATE OF SURVEY

LIBER 21745 PG 347

(LITNER 9305 PAGE 287)



SCALE: 1" = 100'  
DATE: 8-28-80

DON BRONSKI

LEHNER ASSOCIATES, INCORPORATED  
ENGINEERS & SURVEYORS  
2000 WELLINGTON CIRCUS CENT  
ST. CLAIRS MICHIGAN 48066  
(313) 463-4004  
88-270 FAX - 463-8978 C.M.C.

LIBER 21745 PG 347

DESCRIPTION OF PARCEL "A"  
(1.929 ACRES)

A parcel of land located in and being a part of the Northwest 1/4 of Section 11, T.2 N., R.11 E., City of Troy, Oakland County, Michigan and being more particularly described as follows:

Commencing at a point 420.82 ft. N.01°-25'W. from the West 1/4 corner of Section 11, and thence extending N.01°-25'W. 239.00 ft. along the West line of Section 11, also being the centerline of Rochester Road, thence N.89°-10'E. 278.00 ft., thence S.01°-25'E. 390.00 ft., thence along the centerline of the Renshaw (Gibson) Drain N.52°-25'W. 77.00 ft., N.56°-02'-54"W. 63.46 ft. and N.69°-00'W. 180.00 ft. to the point of beginning and containing 1.929 acres of land.

Reserving easements of record.

20-11-154 (022)  
-021

DESCRIPTION OF PARCEL "B"  
(2.282 ACRES)

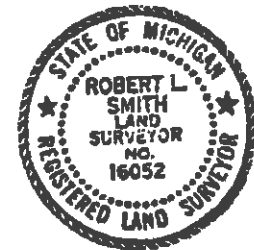
A parcel of land located in and being a part of the Northwest 1/4 of Section 11, T.2 N., R.11 E., City of Troy, Oakland County, Michigan and being more particularly described as follows:

Commencing at the West 1/4 corner of Section 11, and thence extending N.01°-25'W. 420.82 ft. along the West line of Section 11, also being the centerline of Rochester Road, thence along the centerline of the Renshaw (Gibson) Drain S.69°-00'E. 180.00 ft., S.56°-02'-54"E. 63.46 ft. and S.52°-25'E. 77.00 ft., thence leaving said drain centerline S.01°-25'E. 269.82 ft. thence S.89°-10'W. 278.00 ft. along the East/West 1/4 line of Section 11 to the point of beginning and containing 2.282 acres of land, \*

Reserving easements of record.

20-11-154-022

\* except the West 75 feet.



SCALE  
DATE:

LENNER ASSOCIATES, INCORPORATED  
ENGINEERS & SURVEYORS  
27000 WELLINGTON CRESCENT  
ST. CLAIRS MICHIGAN 48080  
(517) 493-0500  
FAX - 493-0572

10.25.03

Adult Foster Care Facilities, as defined by Section 400.702 (4) of Act 218, of 1979 of the State of Michigan, as provided for by said Act and to the extent exempted from local regulation by Section 400.733 (Sec. 33) thereof, and by Section 3 (b) of Act 207 of 1921 as amended (the Zoning Enabling Act).

10.30.00

USES PERMITTED SUBJECT TO SPECIAL USE APPROVAL

The following uses may be permitted in R-1A through R-1E, One Family Residential Districts, subject to the conditions hereinafter imposed for each use; and also subject to the review and approval of the use by the Plan Commission. Before approving any such uses, the Plan Commission shall find that:

- A) The land use or activity being proposed shall be of such location, size and character as to be compatible with the orderly development of the Zoning District in which it is situated, and shall not be detrimental to the orderly development, property values, environment or use of adjacent land and/or Districts.
- B) The land use or activity under consideration is within the capacity limitations of the existing or proposed public services and facilities which serves its location.

Plan Commission approval of the Site Plan for such uses is also required. Site Plans for the expansion of such uses, which also involve the expansion of off-street parking and driveway facilities, shall also be subject to the approval of the Plan Commission.

10.30.01

Persons seeking Special Use Approval for specified uses governed by this Article shall conform to the requirements of Section 03.30.00.

10.30.02

**Schools:**

- (A) Public, parochial and other private elementary, intermediate (including junior high and middle) and/or high schools offering courses in general education, including those under the control of the State Superintendent of Education and those which are non-profit corporations in accordance with State Law, subject to the following conditions:

- (1) Private and parochial schools shall be located so as to have at least one (1) property line abutting a Major Thoroughfare or Secondary Thoroughfare, as indicated on the Master Thoroughfare Plan. The frontage on such a thoroughfare shall be at least equal to the minimum frontage required by the applicable Zoning District.
- (2) Sites for such facilities shall have a minimum area of at least five (5) acres, or one (1) acre for each 50 students permitted within the capacity of the proposed establishment, whichever is greater.
- (3) The front side and rear yard setbacks shall be a minimum of fifty (50) feet.
- (4) Parking shall not be permitted in the required yards adjacent to any public street, and said yards shall be maintained as landscaped open space.
- (5) Buildings or building elements of greater than the maximum height allowed in Article XXX, "Schedule of Regulations", may be allowed, provided that the yard setbacks from property lines for such a building element shall be at least four (4) times the height of the building element. In no instance shall such a building element exceed eighty (80) feet in height. These setback requirements shall apply to building elements and elements of building expansions wherein construction is initiated after January 1, 1990. School structures existing prior to January 1, 1990 are exempt from height requirements delineated in Article XXX, "Schedule of Regulations".
- (6) All structures, appurtenances, and fixtures related to outdoor recreational purposes shall be located a minimum of 200 feet from any residentially-zoned property line.

~~10-30-03 Child Care Centers, Nursery Schools or Day Nurseries (not including dormitories, subject to the following conditions.~~

10.00.00

LIBER 21745 PC 351

**ARTICLE X ONE FAMILY RESIDENTIAL DISTRICTS**  
**R-1A THROUGH R-1E**

10.10.00

**INTENT:**

The R-1A through R-1E One Family Residential Districts are designed to be the most restrictive of the residential Districts as to use. The intent is to provide for environmentally sound areas of predominantly low-density, single family detached dwellings, through the varying of lot sizes and the development options which will accommodate a broad spectrum of house sizes and designs appealing to the widest spectrum of the population.

10.10.01

Persons seeking to rezone property to the Zoning District governed by this Article shall conform to the requirements of Section 03.20.00.

10.20.00

**PRINCIPAL USES PERMITTED:**

In a One Family Residential District (R-1A through R-1E) no building or land shall be used and no building shall be erected except for one or more of the following specified uses, unless otherwise provided in this Chapter.

10.20.01

One Family detached dwellings.

10.20.02

Agriculture on those parcels of land separately owned outside the boundaries of either a proprietary or supervisor's plat, having an area of not less than five (5) acres; all subject to the health and sanitation provisions of the Code of the City of Troy.

10.20.03

Publicly owned and operated libraries, parks, parkways and recreational facilities.

10.20.04

Cemeteries which lawfully occupied land at the time of adoption of Ordinance 23.

10.20.05

Temporary buildings and uses for construction purposes for a period not to exceed one (1) year.

10.20.06

Accessory buildings, subject to the controls of Section 40.55.00.

10.25.00

**USES PERMITTED SUBJECT TO SPECIAL CONDITIONS:**

The following uses shall be permitted in all R-1A through R-1E One-Family Detached Residential Districts, subject to the conditions hereinafter imposed for each use.

10.25.01 Home Occupations, as defined in Section 04.20.71, subject to the following conditions:

EPER 21745 PG 352

A) In order to insure compatibility of the subject residential parcel with the surrounding residential area, to maintain the residential character of the area, and to avoid reduction of property values, the following activities or uses shall be prohibited in conjunction with Home Occupations:

1. Signs relating to any occupation or business.
2. Accessory buildings devoted primarily to the subject Home Occupation or Business.
3. Off-street parking area greater than that amount maintained by neighboring dwellings within three hundred (300) feet of the subject site.
4. Outside storage or display of any items related to the subject Home Occupation or Business, and thus not normally incident to a one-family dwelling.
5. Vehicular Traffic characterized by pick-up or delivery of materials, supplies or products, in excess of that normally incident to a one-family dwelling.

10.25.02 Family Day Care Homes, as defined in Section 04.20.60, subject to the following conditions:

- A) The number of children so cared for who are not a part of the family residing in the subject dwelling unit shall not exceed six (6).
- B) For each child on the premises a minimum of four hundred (400) square feet of outdoor play area shall be provided, in the rear or side yards of the subject dwelling unit.
- C) The conditions applicable to Home Occupations, as defined in Section 04.20.71 and as listed in Section 10.25.01 shall also apply to Family Day Care Homes.
- D) The resident-operator of the Family Day Care Home shall be licensed in accordance with applicable State Law.

10.25.03 Adult Foster Care Facilities, as defined by Section 400.702 (4) of Act 218, of 1979 of the State of Michigan, as provided for by said Act and to the extent exempted from local regulation by Section 400.733 (Sec. 33) thereof, and by Section 3 (b) of Act 207 of 1921 as amended (the Zoning Enabling Act).

10.30.00 USES PERMITTED SUBJECT TO SPECIAL USE APPROVAL  
The following uses may be permitted in R-1A through R-1E, One Family Residential Districts, subject to the conditions hereinafter imposed for each use; and also subject to the review and approval of the use by the Plan Commission. Before approving any such uses, the Plan Commission shall find that:

- A) The land use or activity being proposed shall be of such location, size and character as to be compatible with the orderly development of the Zoning District in which it is situated, and shall not be detrimental to the orderly development, property values, environment or use of adjacent land and/or Districts.
- B) The land use or activity under consideration is within the capacity limitations of the existing or proposed public services and facilities which serves its location.

Plan Commission approval of the Site Plan for such uses is also required. Site Plans for the expansion of such uses, which also involve the expansion of off-street parking and driveway facilities, shall also be subject to the approval of the Plan Commission.

10.30.01 Persons seeking Special Use Approval for specified uses governed by this Article shall conform to the requirements of Section 03.30.00.

10.30.02 Schools:

- (A) Public, parochial and other private elementary, intermediate (including junior high and middle) and/or high schools offering courses in general education, including those under the control of the State Superintendent of Education and those which are non-profit corporations in accordance with State Law, subject to the following conditions:

LINER 21745 PC354

- (1) Private and parochial schools shall be located so as to have at least one (1) property line abutting a Major Thoroughfare or Secondary Thoroughfare, as indicated on the Master Thoroughfare Plan. The frontage on such a thoroughfare shall be at least equal to the minimum frontage required by the applicable Zoning District.
- (2) Sites for such facilities shall have a minimum area of at least five (5) acres, or one (1) acre for each 50 students permitted within the capacity of the proposed establishment, whichever is greater.
- (3) The front side and rear yard setbacks shall be a minimum of fifty (50) feet.
- (4) Parking shall not be permitted in the required yards adjacent to any public street, and said yards shall be maintained as landscaped open space.
- (5) Buildings or building elements of greater than the maximum height allowed in Article XXX, "Schedule of Regulations", may be allowed, provided that the yard setbacks from property lines for such a building element shall be at least four (4) times the height of the building element. In no instance shall such a building element exceed eighty (80) feet in height. These setback requirements shall apply to building elements and elements of building expansions wherein construction is initiated after January 1, 1990. School structures existing prior to January 1, 1990 are exempt from height requirements delineated in Article XXX, "Schedule of Regulations".
- (6) All structures, appurtenances, and fixtures related to outdoor recreational purposes shall be located a minimum of 200 feet from any residentially-zoned property line.

10.30.03

Child Care Centers, Nursery Schools or Day Nurseries  
(not including dormitories, subject to the following  
conditions:



- A) - That for each child so maintained or cared for, there shall be provided and maintained a minimum of one hundred fifty (150) square feet of outdoor play area. Such play area shall have a total minimum area of not less than five thousand (5000) square feet and shall be visually screened from any adjoining lot in any residential District, in a manner acceptable to the Plan Commission.
- B) Such uses shall not be permitted in the interior of any residential block. Such uses shall be located adjacent to a multiple family residential, office or commercial District, or within a previously established church complex.
- C) Such uses shall, as transitional uses between non-residential and residential development, be so designed architecturally as to reflect the predominant architectural character of the residential District within which they are located.

10.30.04

Churches and other facilities normally incidental thereto, subject to the following conditions:

- (A) Building of greater than the maximum height allowed in Article XXX, "Schedule of Regulations", may be allowed provided that the front, side and rear yards are increased one (1) foot for each foot of building height which exceeds the maximum height allowed.
- (B) Front, side and rear yard setbacks shall be a minimum of fifty (50) feet.
- (C) The site shall be so located as to have at least one (1) property line abutting a Major Thoroughfare of not less than one hundred twenty (120) feet of right-of-way width, existing or proposed, and all ingress and egress to the site shall be directly onto such major thoroughfare or a marginal access service drive thereof, with the following exceptions:
  - (1) The Plan Commission may permit access drives to streets or thoroughfares other than Major Thoroughfares, in those instances where they determine that such access would improve the traffic safety characteristics in the area of the site, while not negatively impacting adjacent residential properties.

1181R 21745PG356

- (D) One or more of the following locational criteria may be considered by the Plan Commission as a basis for approval or denial of proposals for church development:
- (1) Location at the intersection of two (2) Major Thoroughfares, each of which has a right-of-way width of at least one hundred twenty (120) feet (existing or proposed).
  - (2) Location abutting a Freeway right-of-way.
  - (3) Location involving a total Major Thoroughfare frontage block (extending between two intersecting local streets).
  - (4) Location where the site has at least one (1) property line, apart from its Major Thoroughfare frontage, in common with land which is developed, zoned, or otherwise committed for use other than the construction of One-Family Residential dwellings.

These criteria are intended, in part, to assure that the location of a church will not negatively impact the potential for the logical extension of single-family residential development in the adjacent area.

- (E) Parking shall not be permitted in the required yards adjacent to any public street, and said yards shall be maintained as landscaped open space.
- (F) Whenever the off-street parking is adjacent to land zoned for residential purposes, a continuous obscuring wall, four (4) feet six (6) inches in height, shall be provided along the sides of the parking area adjacent to the residentially zoned land. The wall shall be subject to the provisions of Article XXXIX, Environmental Provisions.
- (G) Whenever facilities such as community halls, fellowship or social halls, recreation facilities and other similar uses are proposed as incidental to the principal church or worship facility use, such secondary facilities shall not be constructed or occupied in advance of the sanctuary or principal worship area of the church complex.

- 1) The seating capacity of such incidental use areas shall not exceed that of the sanctuary or principal worship area of the church complex.
- 2) Parking shall be provided for such incidental use areas at 1/2 the rate of that required for the sanctuary or principal worship area, and shall be in addition to the parking required for the principal worship area.
- 3) Such incidental facilities must be used for church, worship, or religious education purposes, in a manner which is consistent with residential zoning and compatible with adjacent residential property. They shall not be used, leased or rented for commercial purposes.

10.30.05

Golf courses, which may or may not be operated for profit, subject to the following conditions:

- (A) The site shall be so planned as to provide all ingress and egress directly onto or from a major thoroughfare of not less than one hundred twenty (120) feet of right-of-way width, either existing or proposed.
- (B) The site plan shall be laid out to achieve a relationship between the major thoroughfare and any proposed service roads, entrances, driveways, and parking areas which will encourage pedestrian and vehicular traffic safety.
- (C) Development features including the principal and accessory buildings and structures shall be so located and related as to minimize the possibilities of any adverse effects upon adjacent property. This shall mean that all principal or accessory buildings shall be not less than two hundred (200) feet from any property line of abutting residentially zoned lands; provided that where topographic conditions are such that buildings would be screened from view, the Plan Commission may modify this requirement.

REFR 21745 PG 358

(D) The minimum number of off-street parking spaces to be provided shall be six (6) spaces per hole plus one space per employee plus spaces as required under Article XL, General Provisions, for each accessory use, such as a restaurant or bar.

(E) Whenever a swimming pool is to be provided, said pool shall be provided with a protective fence six (6) feet in height, and entry shall be by means of a controlled gate.

10.30.06

Swimming pool clubs when incorporated as a non-profit club or organization maintaining and operating a swimming pool with a specified limitation of members, either by subdivision or other specified areas within the City of Troy, for the exclusive use of the members and their guests, all subject to the following conditions:

(A) As a condition to the original granting of such a permit and the operation of such a non-profit swimming pool club, as a part of said application, the applicant shall obtain written approval from eighty five (85) percent of the property owners immediately abutting or sharing common property lines with the proposed site, and written approval of seventy five (75) percent of the property owners within 500 feet of such a site. These written approvals shall be submitted to the Plan Commission and the City Council for their review. These provisions shall not apply in the case of park or recreation areas expressly provided for on current recorded subdivision plats of which the subject property is a part, or specifically provided for in legal agreements or documents recorded in relation to such subdivisions.

(B) Such a private non-profit swimming pool club shall be limited in its service area and membership location to a single square mile Section of the City of Troy, except where the Plan Commission shall find that the logical boundaries of the neighborhood to be served extend beyond a specified Section.

- (C) Front, side and rear yards shall be at least eighty (80) feet wide, except on those sides adjacent to non-residential Districts. Such yards adjacent to residential Districts shall be kept free of off-street parking, shall be landscaped in trees, shrubs, grass and terrace areas, and shall contain berms in order to screen the use from the abutting residential Districts. Such yards may further contain required entrance drives and those walls and/or fences used to obscure the use from abutting residential Districts. All landscaping shall be maintained in a healthy condition.
- (D) All lighting shall be shielded to reduce glare and shall be so arranged and maintained as to direct the light away from all residential lands which adjoin the site.
- (E) Whenever off-street parking areas are adjacent to land zoned for residential purposes, a wall (4'-6"), shall be provided along the sides of the parking area adjacent to such residential land, and said wall shall be subject to the requirements of Section 39.10.00 Article XXXIX, Environmental Provisions. Such walls may be placed at locations other than on the property lines of the site.
- (F) Whenever a swimming pool is constructed under this Section, said pool area and pool deck shall be provided with a protective fence, six (6) feet in height, and entry shall be provided by means of a controlled gate.
- (G) Off-street parking shall be provided so as to accommodate not less than one-half (1/2) of the member families and/or individual members. The Plan Commission may modify this requirement when it is determined that the location and function of such uses are such that a substantial portion of the users will originate from the immediately adjacent areas and will have access to the site by means other than automobile travel. In no instance, however, shall the off-street parking facilities accommodate less than one third (1/3) of the member families and/or individual members. Prior to the issuance of a building permit, by-laws of the organization shall be provided in order to establish the membership involved for computing the off-street parking requirements. Off-street parking areas shall be subject further to the provisions of Article XL, General Provisions.

10.30.07 Private non-commercial recreational areas; institutional or community recreation centers, subject to the following conditions:

LIDER 21745 PC360

- (A) Any use permitted herein shall not be permitted on a lot or group of lots of record, except in those instances wherein the applicant shall obtain written approval from seventy five (75) percent of the property owners immediately abutting or sharing common property lines with the proposed site, and written approval of fifty one (51) percent of the property owners within 300 feet of such a site. These written approvals shall be submitted to the Plan Commission and the City Council for their review. These provisions shall not apply in the case of park or recreation areas expressly provided for on the current recorded subdivision plat of which the subject property is a part, or specifically provided for in the legal agreements or documents recorded in relation to such subdivisions.
- (B) The proposed site for any of the uses permitted herein which would attract persons from, or are intended to serve, areas beyond the Section within which the site is located shall have at least one property line abutting a major thoroughfare of not less than 120 feet of right-of-way width, existing or proposed, and the site shall be so planned as to provide all egress and ingress directly onto or from said major thoroughfare.
- (C) Front, side and rear yards shall be at least eighty (80) feet wide, except on those sides adjacent to non-residential Districts. The first fifty (50) feet of such yards adjacent to residential Districts shall be kept free of off-street parking, shall be landscaped in trees, shrubs, grass and terrace areas, and may contain required entrance drives and those walls and/or fences used to obscure the use from abutting residential Districts. All landscaping shall be maintained in a healthy condition.
- (D) All lighting shall be shielded to reduce glare and shall be so arranged and maintained as to direct the light away from all residential lands which adjoin the site.

- (E) Whenever off-street parking areas are adjacent to land zoned for residential purposes, a wall four feet six inches (4'-6") in height shall be provided along the sides of the parking area adjacent to such residential land, and said wall shall be subject further to the requirements of Section 39.10.00 Article XXXIX, "Environmental Provisions". Such walls may be placed at locations other than on the property lines of the site.
- (F) Off-street parking shall be provided so as to accommodate not less than one half (1/2) of the member families and/or individual members. The Plan Commission may modify this requirement when it is determined that the location and function of such uses are such that a substantial portion of the users will originate from the immediately adjacent areas and will have access to the site by means other than the automobile. In no instance, however, shall be off-street parking facilities accommodate less than one third (1/3) of the member families and/or individual members. Prior to the issuance of a building permit, by-laws of the organization shall be provided in order to establish the membership involved for computing the off-street parking requirements. In those cases wherein the proposed use or organization does not have by-laws or formal membership, the off-street parking requirements shall be determined by the Plan Commission on the basis of usage. Off-street parking areas shall be subject further to the requirements of Article XL, "General Provisions".

10.30.08

Utility and public service buildings and uses (without storage yards) when, in the opinion of the Plan Commission, said buildings and uses:

- (A) Maintain the residential character of the area, and,
- (B) Are located so as not to hinder the natural or presumed development of the area, or detract from the value of existing development; and,
- (C) Do not constitute a safety or health hazard, a nuisance, or have a noxious effect on the surrounding residential area either due to appearance or operations; and,

LINER 21745 PC 362<sup>(D)</sup>

Operating requirements necessitate the location of such uses and buildings within the District to serve the immediate vicinity.

Such buildings and uses shall be developed according to the following standards:

- (1) The site shall have one property line abutting a thoroughfare of at least eighty-six (86) feet of right-of-way width, existing or proposed, and all ingress and egress shall be from said thoroughfare.
- (2) All proposed uses and facilities shall be contained within masonry buildings and structures similar to or compatible with buildings in the adjacent residential areas.
- (3) Said structures and uses shall be located no closer than eighty (80) feet from any property line abutting a public right-of-way or other residentially zoned land.
- (4) A landscaped berm at least five (5) feet in height shall be required in all yards abutting residential Districts and/or public rights-of-way. Said berms shall be landscaped with a minimum of a double row, six (6) feet apart, of evergreens, typically four (4) feet on center, staggered two feet apart on center. All required yards shall be further landscaped in grass as a minimum. The nature of other screening, fencing, etc., in addition to the aforementioned berms, shall be subject to the approval of the Plan Commission.
- (5) Overhead transmission lines and tower structures are expressly prohibited from such sites. All lines serving such sites shall be underground.



Nothing in these regulations shall be construed to prevent the construction, installation and operation of necessary utility and public service buildings and uses within the residential Districts. These provisions are not, however, intended to include power generating facilities, bulk power and fuel stations, or other large scale facilities which, by their nature and service area, could reasonably be located in non-residential Districts.

- 10.50.00     DEVELOPMENT STANDARDS
- 10.50.01     See Article XXX, Schedule of Regulations, for limitations as to height and bulk of buildings, yard setbacks, and lot sizes per District.
- 10.50.02     See Article XXXIV, Residential Development Options, for development approaches involving varying lot size standards.
- 10.50.03     See Chapter 41 (Subdivision Control Ordinance) of the Troy Ordinance Code for requirements as to the platting of subdivisions.
- 10.50.04     See Section 40.20.00 for parking requirements.
- 10.50.05     See Section 39.95.00 for the standards and regulations applicable to construction of buildings and uses in this District when the site falls within a designated Flood Hazard Area.
- 10.60.00     ENVIRONMENTAL STANDARDS:
- 10.60.01     A Preliminary Environmental Impact Statement, according to the provisions of Article VII of this Chapter, shall be submitted as a part of an application for Tentative Approval of Preliminary Plats for Subdivisions involving twenty five (25) lots or more. This requirement shall also apply to subdivisions which are processed in successive parts which will total twenty five (25) lots or more.
- 10.60.02     STANDARDS:  
In order to maintain the physical and economic stability of one family residential areas, the following standards shall apply:

10.60.03

1981 21745 PC 364

**SETBACKS FROM MAJOR THOROUGHFARE:**

Whenever a lot or acreage parcel abuts a major thoroughfare as established by the Master Thoroughfare Plan adopted in accordance with Act 285, Public Act's of 1931, as amended, the yard setback abutting said major thoroughfare shall be at least fifty (50) feet from the existing or Master Thoroughfare Plan right-of-way line, whichever is greater. This ordinance does not prohibit expansion behind the fifty (50) foot setback. This requirement shall not apply to subdivisions for which Tentative Approval was granted prior to January 1, 1976.

(Rev. 6-3-91)

10.60.04

**VARIATION IN APPEARANCE:**

In any one family residential District, there shall be variation in the appearance of the one family detached residential dwellings, according to the following standard:

A dwelling's front elevation shall not re-occur in the same or a substantially similar structural form on another dwelling, within the same street frontage, without there being at least one other dwelling with a different elevation between the dwellings that repeat the frontage elevation.

Different colors alone will not constitute different front elevations.

The Section shall not apply to any dwelling for which a building permit was issued before June 2, 1983.

10.90.00

**AREA AND BULK REQUIREMENTS:**

See Article XXX, Schedule of Regulations.

DATE: March 3, 2022

TO: Planning Commission

FROM: R. Brent Savidant, Community Development Director

SUBJECT: LANDSCAPE DESIGN IN THE TROY DOWNTOWN DEVELOPMENT AUTHORITY (DDA) DISTRICT – Planning Commission Input

On January 19, 2022, the Troy Downtown Development Authority (DDA) approved a contract with OHM Advisors to study improvements to the DDA, specifically to publicly owned right of way property, to improve placemaking, beautification, enhanced pedestrian walkability and connectivity.

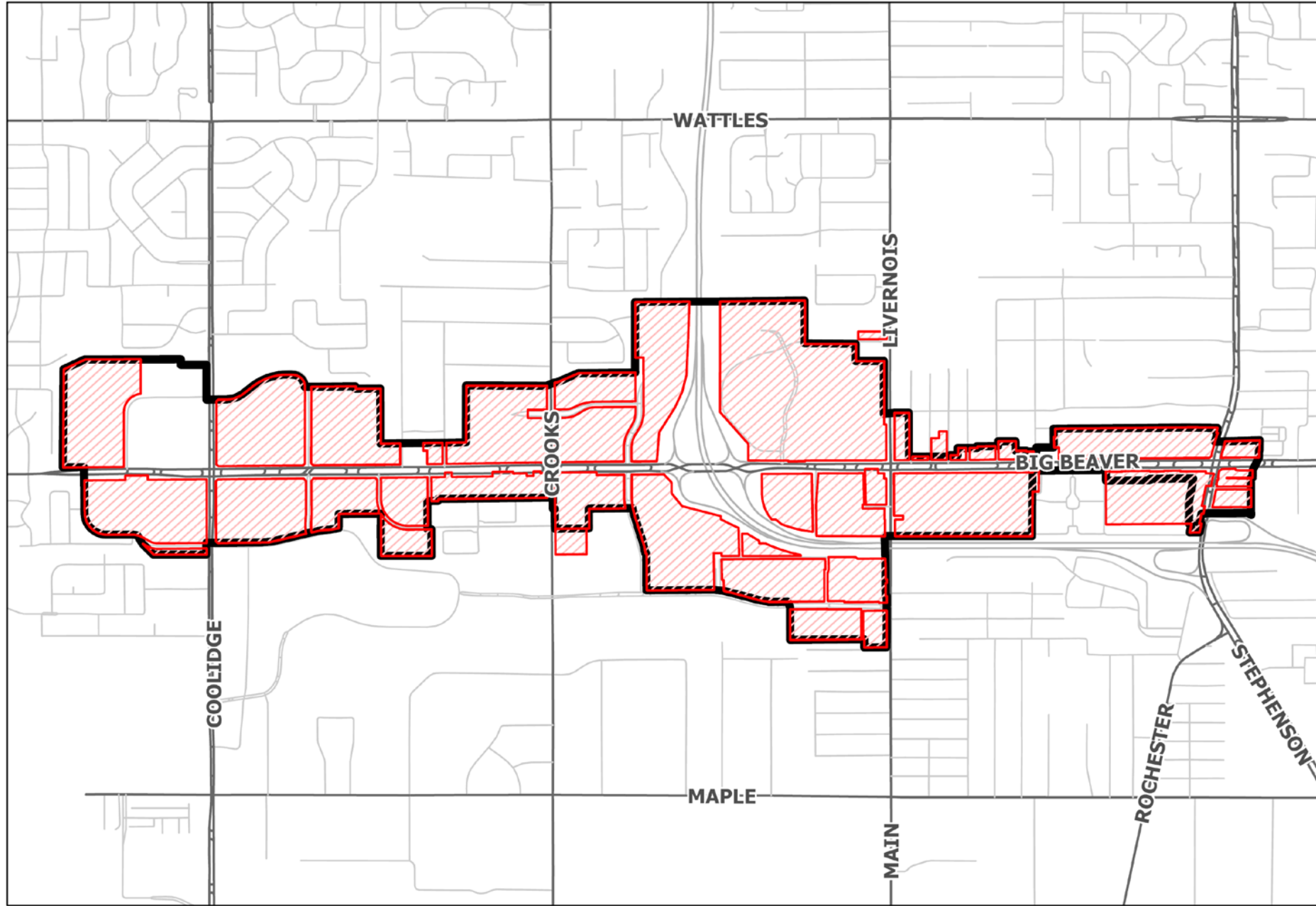
In an effort to solicit public input, representatives of OHM Advisors intends to present a summary of the project including the development goals. The Planning Commission will be asked to provide feedback.

Please be prepared to discuss this item at the March 8, 2022 Planning Commission Meeting.

Attachments:

1. Map
2. Big Beaver Landscape Improvements, prepared by OHM.

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 DDA Boundary  Zoning - (BB) Big Beaver Road

# Troy Downtown Development Authority

# **Big Beaver Landscape Improvements**

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## **Planning Commission**

March 2022

## Project Overview



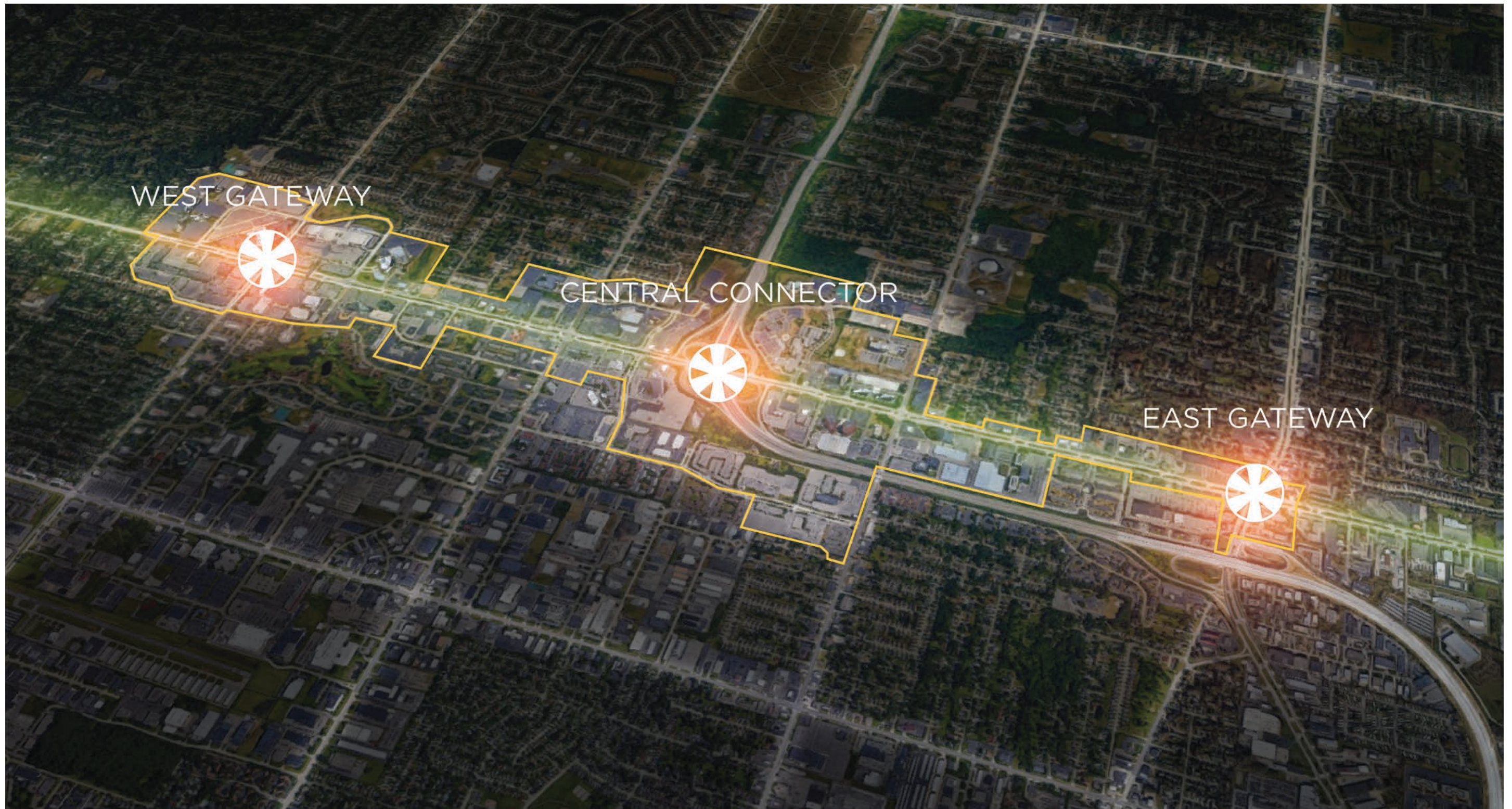
## Project Overview

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## Project Overview

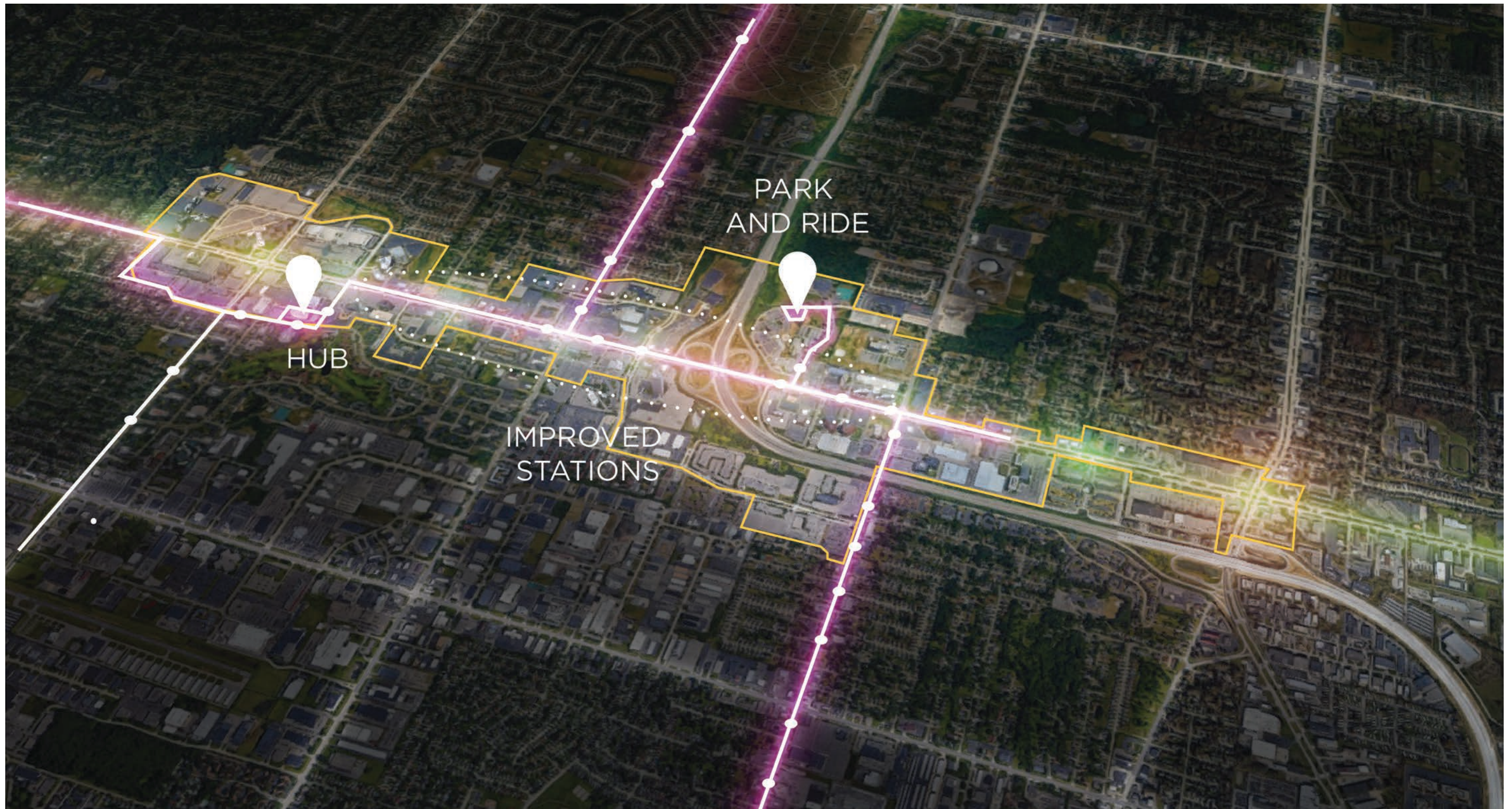
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## Project Overview

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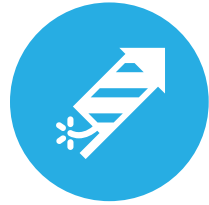
## Project Overview

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## Project Drivers

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### High Impact

Prioritize cohesive, overall identity and impact, rather than concentrating investment in small pockets



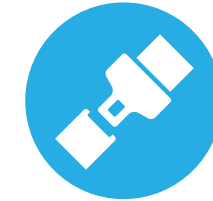
### Adaptable

Realize and create opportunities for placemaking and civic pride



### Timeless

Tap into proven design strategies which perform through time



### Safe

Create safe experiences for all, regardless of mode of transit



### Enjoyable

Improvements should create an enriching and enjoyable experience



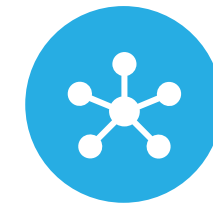
### Unique

Create experience which is specific to the Big Beaver Corridor / City of Troy



### Balanced

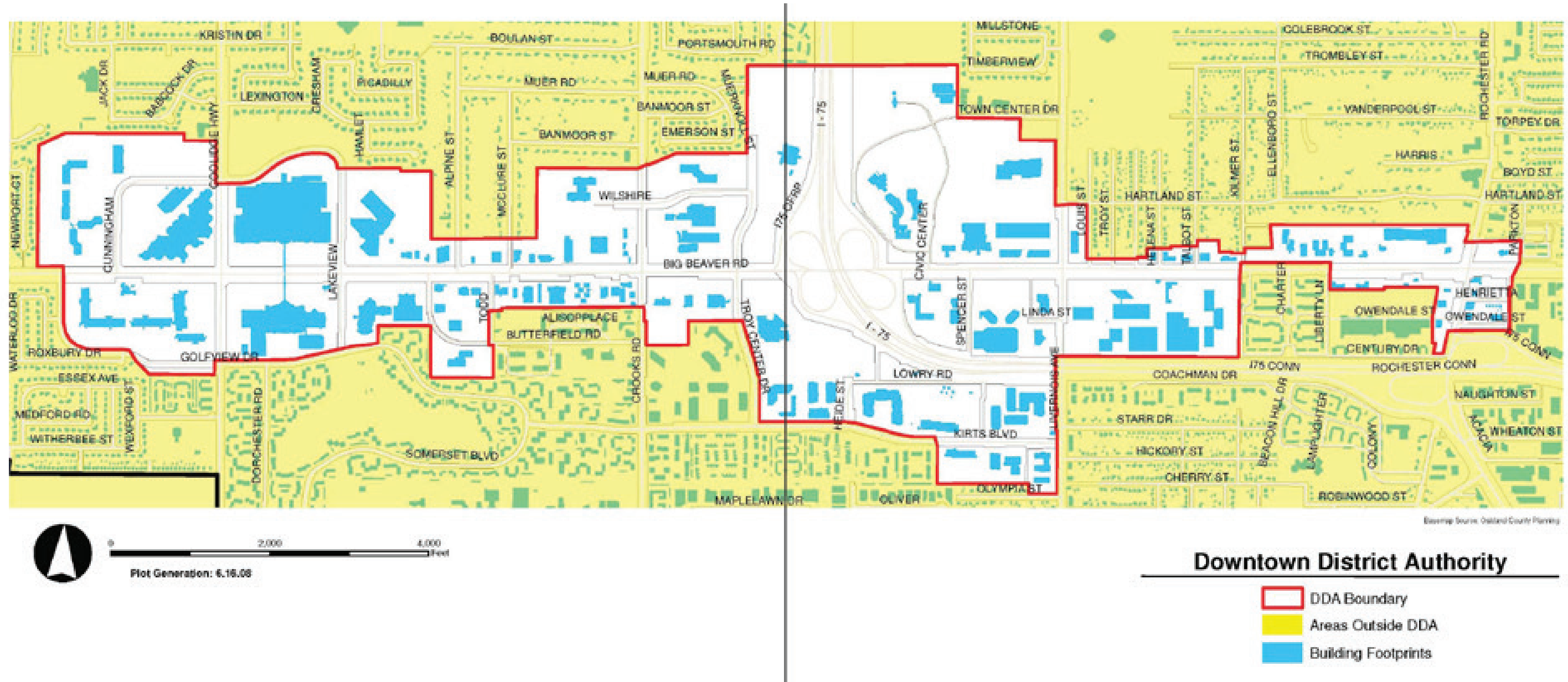
Balance improvements between creating great spaces and meeting the needs of the corridor



### Coordinated

Integrate with surrounding context

# Corridor Review



# Corridor Review



N.T.S. 

# Corridor Review



N.T.S. 

# Corridor Review



N.T.S. 

DATE: March 4, 2022  
TO: Planning Commission  
FROM: R. Brent Savidant, Community Development Director  
SUBJECT: TROY MASTER PLAN UPDATE - Planning Commission Subcommittee

An area of focus for the Master Plan update is the Neighborhood Node land use classification and zoning district. In November, 2021 the Planning Commission held a series of Walk & Talks at six intersections to solicit feedback from the Planning Commission and residents. On March 12, 2022 Troy City Council will visit three intersections and provide feedback to staff. Following this effort, it has been discussed informally that the Planning Commission will form a Subcommittee comprised of no more than four (4) members to further study the Neighborhood Nodes in detail. The Subcommittee would develop recommendations to bring back to the Planning Commission for consideration.

The intent of this discussion will be to establish the Planning Commission Subcommittee, appoint up to four (4) members, and identify meeting dates.

Please be prepared to discuss this item at the March 8, 2022 Planning Commission Meeting.

G:\Master Plan Update 2021\PLANNING COMMISSION MEETINGS\March 8, 2022\PC Memo Sub Committee Discussion 2022 03 08.docx